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# Official Report of Debates (Hansard)

Wednesday 11 January 1995

# Journal des débats (Hansard)

Mercredi 11 janvier 1995

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 11 January 1995

Mercredi 11 janvier 1995

*The committee met at 1007 in committee room 1.*

**The Chair (Mrs Margaret Marland):** Good morning. Today we are going to review appointments to government agencies, boards and commissions.

## SUBCOMMITTEE REPORT

**The Chair:** The first order of business this morning, you will see on the agenda, is simply approval of the report of the subcommittee on committee business which is dated December 7, 1994. Are there any questions on the subcommittee report? The subcommittee report, as you will see, is basically the report of the selections that have been made for review by the committee. Would somebody like to move approval?

**Mr Randy R. Hope (Chatham-Kent):** I'll move it.

**The Chair:** Mr Hope moves approval of the report of the subcommittee. All in favour? That motion is carried.

## INTENDED APPOINTMENTS

## ROBERT WALMSLEY

Review of intended appointment, selected by official opposition party: Robert Walmsley, intended appointee as member, Ontario Criminal Code Review Board.

**The Chair:** Our first appointment this morning is Mr Robert Walmsley. I'd like to welcome you to the committee. Mr Walmsley, we will start with rotation through the members asking you questions, unless you wish to make a brief opening comment, but you don't have to.

**Judge Robert Walmsley:** I think I'll just move right into questioning by the members, and I might add something at the end, if I may.

**Mr Alvin Curling (Scarborough North):** Welcome, Mr Walmsley. You are the first for 1995 and you may be one of the most important appointees to come before us, meaning that everyone now is concerned, especially in this kind of jurisdiction, in regard to people held in custody who will be released out in the public after being accused and serving a sentence for some violation of the Criminal Code.

With the experience you bring to this group, do you feel that adequate provisions are being made in the sense of protecting the public, or is there something that should be done by government to educate the public about those who will be released out into the public, those who have been charged and now are being considered to be released?

**Judge Walmsley:** May I start by saying that I have no direct, hands-on knowledge of the function of the committee, as I've never been in a position to appear before it, but I am aware of the principles of protection

of the public in releasing persons who have been incarcerated in one way or another, whether it be in a mental institution or a regular institution. I've been in the justice business, if you like, for a long time, and ever since I started, the issue of prediction of dangerousness has been a subject that lawyers and judges have studied very closely. It was difficult when it was first raised to us in our educational programs years ago and it's still difficult.

I think what's been happening in relation to the new amendments to the code—I perhaps should not call them “new” since they've been around since 1991. But that codification which is found in part XX.1 looks to me to be a good step because it spells out very clearly some areas in relation to terms such as “insanity,” “mental disorder,” “mental disease” and so on that were perhaps not so clear on in the past.

I think what has to be done is not so much in the legislative end but in the application of the legislation, so that persons who have the responsibility of making decisions about release have the best information available.

**Mr Curling:** One of the things the public is subjected to, especially in certain areas that have a lot of, if you want, outpatient mental patients, is that they cannot be apprehended or taken into custody unless one's life is threatened, an act is done, and the police do not come in until maybe some act has been done, someone has been hurt. Also, in this situation we're talking about, people who have been considered dangerous have served their time, yet one doesn't feel that prison has served any rehabilitation, that someone is now on the straight and narrow, yet we let them back into the public.

The question I'm asking is, do you think sufficient is being done in order to protect the public from individuals like those? Right now regarding the case in Quebec, where the individual was in the Parliament and shot up all these people, there is quite a debate between the professionals, the psychologists and psychiatrists who are saying this man is still dangerous and some saying he's not dangerous. This individual will be released into public again, waiting maybe for something to happen.

You sit on a board that will have to make the judgment about whether that person will be out there or not. I come back to the question, do you think adequate work is being done to educate the public about the situation, or should this person be named, told where their movement is so other people can be protected? Do you feel more can be done in that regard?

**Judge Walmsley:** I certainly think with the issue of



public education, whether it be in relation to persons allegedly suffering from mental disorder or whether it's persons who are on parole or release for dangerous crimes, the education has to be an ongoing process and it has to be very clear.

One of the things I've learned over the years in relation to my work with criminal charges against young offenders is that there is a great distortion of the percentage of the young offender population, in the sense that people feel there are far more dangerous offenders out there than there actually are.

Ontario over the past 20 years has been very careful with its treatment of young offenders in terms of whether they go to adult court, thereby being subject to higher penalties; we have always had a very low transfer rate to adult court. That is because there were resources in place which the courts felt could handle that person, and that is where the prediction of dangerousness came in: The psychiatrist involved in the case would determine whether this young person was appropriate for a program in a youthful institution. As a result, we've had some very serious cases of people who had gone on to commit further offences, but in terms of statistical evidence it's not there. The reason it's not there is that the resources are in place and the care is taken to make the determination.

You will always have something going wrong with a person who's released. There was a study mentioned in the paper just the other day, out of Ottawa, in terms of the perception of the public versus the facts, in terms of length of prison sentences and so on, and that study made it quite clear that the public does have a skewed view of the situation. I think the same considerations would apply to the accused who are seen by the Criminal Code Review Board.

**Mr Curling:** And that comes to the balance part of it, that the person who has served their term and paid the price, having done that, feel they continue to serve a sort of sentence once they have been released and somehow feel they're not protected in that way: "I've served my time, I've done my five or 10 years and I've gone through my psychiatrist"—

**Judge Walmsley:** That sounds to me, Mr Curling, as if you're speaking in terms of a parole situation. Is that what you're speaking of there?

**Mr Curling:** That too. Even after having served the time and being released, the public still demands, "We want to know who that individual is, where he or she lives," and the accused who have served their time feel that's very unfair: "I've paid the price." I think what I am asking is, do you see that there's a fair balance there?

**Judge Walmsley:** I see a difference between that case and the population that the Criminal Code Review Board deals with, in the sense that they have not been convicted because of their mental condition and therefore they're really under indeterminate sentence. That's a much more difficult case to assess.

You can make all sorts of arguments about fairness when it's a regular sentence of incarceration that has been completed; you could say that person is entitled to go

free and it doesn't really matter what his situation is. But the other one, where there's a continuing review and detention, is open to abuse unless boards such as the review board are able to get the proper information to make a proper decision.

If I may add just briefly one point, one of the reasons for the new Young Offenders Act, and I go back to my experiences with juveniles, is that under the old act, in effect, every juvenile sent to a training school was under indeterminate sentence and he was there until the authorities at the school decided that there was a release. That was judged to be grossly unfair, and for that reason the new Young Offenders Act remedied that defect.

**Mr Robert W. Runciman (Leeds-Grenville):** Mr Walmsley, did someone approach you about becoming a member of the board, or is this an interest of your own and you simply wrote a letter? What was the process?

**Judge Walmsley:** I had been aware of the Criminal Code Review Board and its predecessor for many years, because my office was on the 23rd floor of a building over here on the corner of Bay and Gerrard and theirs was on the 24th. When our court amalgamation went through, we moved out and they took our place. Subsequently, one of the persons I knew who was a secretary at that board phoned me to say that she understood the board was looking for members and would I be interested. She knew I was a semiretired judge and that I had time available.

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**Mr Runciman:** So on that basis you applied.

**Judge Walmsley:** On that basis, I thought to myself I should keep busy—it's considered healthful—so I applied.

**Mr Runciman:** Where do you live? In Picton?

**Judge Walmsley:** I used to live in Picton. I spent eight or 10 years there as a judge, then moved to Toronto and spent the rest of my judicial career here in Toronto.

**Mr Runciman:** So you're now a Toronto resident.

**Judge Walmsley:** I now live in Toronto, in the downtown area.

**Mr Runciman:** There have been a number of problems with the board over the past few years. I have a forensic facility in my riding, Brockville Psychiatric Hospital, and we have had a series of serious breakdowns in the system. The latest one was a chap by the name of Daryl Jones, who was given an absolute release by the board. The crown appealed that decision, but by the time the appeal court reached its conclusion, Mr Jones had already been charged with the murder of an elderly widow in Brockville. The appeal court was very, very critical of the board and its decision. They made the decision essentially based on the fact that the hospital staff wanted this guy out of their way because he was just too much of a problem; in fact, they even said he was posing a threat to hospital staff.

I'm concerned about people being appointed to this board. In my view, your number one priority as a member of this board, and that of the membership at large, should be the safety of the public. I don't think in any way, shape or form that you should be taking chances or



risks with the safety of the public. I'd like to know your views on that—if you're appointed to this board, which I assume you're going to be—where your priorities lie. We have an awful lot of pressure on hospitals and I assume on boards like yours to move these people out of the system because it costs X dollars to maintain a bed and so on.

**Judge Walmsley:** To make room, yes.

**Mr Runciman:** There are pressures that sometimes exceed good judgement and common sense in my view. I'd just like to know where you lie on those kinds of questions.

**Judge Walmsley:** I think it's safe to say that the protection of the public would be the number one or the highest one, in my view, of the criteria they should look to. Having said that, it again comes back to this assessment of risk. What sort of percentage do you say is acceptable? Does a person have to be 99% sure not to reoffend or to get into further difficulties, 95%? I think that area is the difficult one, because then you have to get into the assessment of the facts and the evidence before you as a board and read those facts correctly.

**Mr Runciman:** If you're talking about if there's a 1% or 2% risk factor involved—you've said 99%—and someone does go out and commit a horrific crime, for example the Brockville situation where a very fine lady was murdered, do you think there should be some way of holding the decision-makers accountable for a decision that had such horrific results? Should there be some form of accountability? This has been talked about for parole boards, and I think for boards like the one you want to serve on, it seems to me there should be some way of making these people answerable if significant crimes result as a result of their calculation that this person—

**Judge Walmsley:** Their miscalculation.

**Mr Runciman:** Yes, their miscalculation.

**Judge Walmsley:** As one who might be in that position, I'm not sure I would want to fund a mistake by the board. On the other hand, I can see where there should be a program of compensation similar to that which is in place at the moment, compensation for crime. I think the accountability has to be in the way in which the board carries out its responsibilities in terms of being able to assess psychiatric information to make sure that everything that's needful is before it for consideration. I see it as a procedural issue, and I don't think having some sort of insurance scheme or backup in place is going to make any difference to that. Those events are always going to happen.

**Mr Runciman:** Talking about some effort to compensate victims or victims' families, how do you feel about victims' rights in the sense of being kept informed?

I'll give you an example of the situation that happened in my area. A guy by the name of John Finlayson murdered a young boy in Toronto a number of years ago and mutilated his body and was sent to Penetanguishene. A number of years later he ended up in Brockville and shortly thereafter was out in the community. I was approached after he'd been charged with a sexual assault. I was approached by the mother of the young boy, who

was quite upset. Of course, this individual was being moved around from a maximum security to a medium security, then out in the community, and she had no knowledge of that whatsoever. It was her son who was murdered, and this individual was put back out on to the streets and he reoffended.

I know the former head of the board, Justice—and I can't recall his name, but this is a—

**Judge Walmsley:** Judge Callon?

**Mr Runciman:** Yes. This was attributed to him when talking about victims, that, "I don't want to be bothered with all that emotional junk," in terms of having a victim impact. My own view is that victims should be kept fully informed of what's happening to these people and where they are and when they are allowed into the community.

I had another individual who had been assaulted by one of these chaps, a woman, and she was terrified in terms that she'd been threatened on a number of occasions, and then she bumped into this guy in a mall, had no idea that he'd been out into the community, and he started tracking her again.

I'm just wondering how you feel about victims, victims' rights, victims having every opportunity to be involved and informed.

**Judge Walmsley:** Well, in the regular court stream, the victim impact statement is increasingly playing a role, and I think that's good, because it leaves that segment of the community with a much better feeling as to how the justice system is operating, and I can see it having some role in relation to the accused population dealt with by the review board. My concern would be, I guess, when it reaches the point where some individual rights are unnecessarily being infringed upon for that accused person. I guess I'd have to say that each case would depend on the circumstances, but I do feel that—

**Mr Runciman:** What do you mean by individual rights? For example, this is someone who murdered this woman's young child. Where would your concern enter into it in terms of his rights being offended or abridged? I guess I just don't understand that.

**Judge Walmsley:** If he were released under a set of conditions that effectively precluded him from leading any sort of normal life, that he had to reside in a halfway house, that he could only go out an hour a day, depending on the circumstances of the total case, that might be a situation where that's an improper restriction.

**Mr Runciman:** What's an improper restriction?

**Judge Walmsley:** That he would be so confined, which would prevent him from working.

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**Mr Runciman:** How does that enter into the question of rights? If you're making a decision on loosening a warrant or giving an absolute discharge, all I'm suggesting is that the victim or representative of the victim should have an opportunity to have input into that decision, and I don't see where individual rights of someone who's committed a horrendous crime should override the rights of a victim.

**Judge Walmsley:** I think the two stand side by side;



I don't think it's either one or the other. I think the victim should have an opportunity to give input when the board is making a decision. There's no question about that. I've not sat on the board, of course, I don't know what the priority is in that respect, but I would think it would be quite appropriate for the counsel for the AG or some other counsel appearing at the hearing to use that kind of information to support their particular position.

**Mr Runciman:** So what you're saying is that every time an individual applies to appear before the board, for whatever reason, going from max to medium or whatever, you're agreeing that the victim should have the opportunity to be present during the deliberations of the board and have input if so desired?

**Judge Walmsley:** Yes, but I think it should be regulated in the sense that the input forms part of one of the regular submissions.

In the regular courts, the victim's information is funnelled to the presiding judge usually through the crown attorney, and in that way you should get a pretty good representation, if the crown is doing the job, of what the victim would like to see in terms of the disposition.

**The Chair:** Thank you. We have three government members, starting with Mr Hope, Mr Marchese and Mr Duignan.

**Mr Hope:** First of all, I want to follow up on Mr Runciman's issue of dealing with accountability. If I believed that every time you made a decision it was 100% I would call you God, because nobody ever makes a 100% decision that comes out right. I've known that and I've had less time in life than you have; I understand that.

If we are going to talk about accountability we have to talk about it from the perspective of knowledge. I'm just wondering what your familiarity is with the role of the Ontario Criminal Code Review Board. That's where I need to start to understand whether you have the ability to sit on the board.

**Judge Walmsley:** My knowledge essentially comes from very recently reviewing those sections of the Criminal Code which apply to the board in part XX.1, and also the other sections, 619 and section 2 where the definition—and in the former section 16, too, which is significant. It shows the substantial changes in the definition of "mental disorder."

**Mr Hope:** Based on your knowledge of the board in dealing with people who come before the board and dealing with, I guess, mental disorders, I'm asking you a very direct question: Do you have the right to prescribe treatment of a person?

**Judge Walmsley:** No.

**Mr Hope:** Why do you think you're excluded from that process of providing treatment?

**Judge Walmsley:** Because the section says so; my recollection of it.

**Mr Hope:** Okay. Based on your experience working with people with mental disorders, can you highlight what skills you would bring in order to make that accountability that Mr Runciman says on decision-mak-

ing? I'm not going to give you a hypothetical case, because that's very unfair to throw a scenario at you saying somebody was released; you don't have all the facts. What skills would you carry in making a proper review?

**Judge Walmsley:** I've been on the bench now for nearly 30 years and over that time I've seen a great deal of change in the role of the psychiatrist and the psychologist in court. The court that I presided in has evolved from a very simple organism to a highly complex one which receives a great deal of evidence, particularly in the area of custody and child protection, respecting mental disorders.

For the past 15 years the family court bench has had the opportunity to hear presentations from psychiatrists and psychologists relating to the types of disorders that we will be seeing in our court. From what I can tell, really it's just a difference in degree. For instance, I've had a number of cases in which the parent of a child was a paranoid schizophrenic who presented enormous problems in terms of treatment and was very resistant to any help. She didn't commit any crime; all she did was commit suicide. But you can see that the continuum of that type of disorder could lead any individual into a criminal situation.

I've had a fair exposure to that both from a practical point of view in court assessing evidence and also assessing the value of report A as opposed to report B, and whether the first physician had done all the things necessary to flesh out a good report or not as compared to the second. So I have that sort of background.

**Mr Hope:** Just out of curiosity, and I'll defer to my colleagues for questions, because you use the words "based on facts," "based on evidence," what about based on public outcry? Mr Runciman talks about the input of the victim in a decision-making process. What if the general public was to get all up in arms out in front of your office picketing? I'm giving you a hypothetical case, and it is sincere. It does happen that somebody's in front of your office just picketing and the facts go to the side and the issue becomes public.

**Judge Walmsley:** Public outcry, yes.

**Mr Hope:** We wouldn't want to hold somebody who has the ability to function properly in the community. We wouldn't want to do it. I wouldn't want to do that. I'd like to believe that people have an opportunity to change their lives. But you're balancing the crime that was committed 10, 15, 20 years ago versus today and what's happening, and I'm wondering how you would perceive—because I notice you used a lot of the words "evidence" and "facts" in your comments to me today. I've got to get clarification because, to be honest with you, you will get public pressure.

**Judge Walmsley:** I guess all of us are aware that a lot of judges and justices are inclined from time to time to make pronouncements from the bench as to the prevalence of a particular crime, and therefore the sentence they're imposing is meant to carry a message to the public. In the work that I've done, that is not so significant a factor in dealing with young criminals. I've never been a subscriber to that point of view. I don't think the



word really does get out that the courts are coming down heavily, except in some very rare circumstances such as tripling the speeding fine or something of that nature.

Also, I think it partakes of an element of a lynching, if you like, if there's a young person who has certain things going for that young person but outside there are people protesting and advocating for very stiff measures when the material before the court doesn't justify it. So I would tend not to be very much persuaded by that type of outburst.

**Mr Hope:** I'll defer to my colleagues.

**Mr Rosario Marchese (Fort York):** Mr Walmsley, a quick question: There's a Dr Fleming who admitted that it's very difficult for psychiatrists to predict a patient's future dangerousness. He then indicated that they also have a bad record in assessing the danger posed by releasing patients from the province's psychiatric institutions. But then he talked about the fact that researchers have developed a more objective system for predicting risk. Are you familiar with this possible new system?

**Judge Walmsley:** I'm not familiar with the specific instance that you're talking about. What I am familiar with, perhaps as an interested layman more than anything, is the extremely rapid development in the medical and scientific community of its understanding of the function of the brain. I don't suppose a week goes by that there isn't some significant article that they've isolated another area that can be productive of research in terms of dealing with aberrant human behaviour. It's like unravelling the genes. They are unravelling the brain, and the literature that has developed over the past five years in this area is absolutely astounding. I don't know how any person could actually keep up with it. I had a book in my possession, written in 1989, which had probably 200 references to learned papers. A new edition came out three years later, and the references were expanded by another 50 or 60 learned papers in that short period.

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Now, this particular investigation was not in relation to criminal activity; it was in relation to the differences between men and women. But it was still fascinating to see how much advancement has gone on in that particular area. I suspect that the next five or 10 years will see considerably more research which will make our job progressively easier.

**Mr Marchese:** Sure, and I believe you're right. I was intrigued by the whole idea of a more objective system, meaning that in the past it was all subjective and that somehow we couldn't make objective opinions about whether someone was capable of leaving an institution or not, and then all of a sudden we're going to have a more objective system in place. I guess I'm a bit sceptical about it, but I wanted your opinion on it.

**Judge Walmsley:** Even when you're trying to be objective, you have to be subjective in the interpretation of the results of tests and so on. It is very difficult. But I can see where the individual view of a board member—and let's say there are five members presiding on a board—will become less and less important as the accumulated so-called objective evidence becomes available.

**The Chair:** Thank you very much, Mr Marchese. Judge Walmsley, I'd like to apologize. I addressed you as Mr Walmsley at the opening of the meeting.

**Judge Walmsley:** I'm semiretired, so that's quite acceptable.

**The Chair:** Well, I like to do things correctly. I'd like to thank you, Judge Walmsley, for your appearance before the committee this morning. If you wish to make a closing comment, since you didn't do that at the beginning, please feel free to.

**Judge Walmsley:** I would like to just say briefly that I appreciate being here. I particularly appreciate it because, as you will see from the CV, I've been involved in the interviewing of candidates for appointment to the bench over the past six years, and one of the problems that we have faced consistently is the ability to make a lawyer who wants to be a judge feel comfortable during that interview. I felt quite comfortable here, thank you, but lawyers are not used to interviewing for jobs, and judges are even less so. So I'd just like to mention that. Thank you.

**The Chair:** We're not used to being interviewed for jobs either, but we may well be.

**Judge Walmsley:** Your task is much harder. You have to persuade people to give you the job at the hustings.

KENNETH HOLDER

Review of intended appointment, selected by government party: Kenneth Holder, intended appointee as member, Ontario Realty Corp.

**The Chair:** Our next intended appointment review this morning is that of Mr Kenneth Holder. Welcome to the committee, Mr Holder. Please be comfortable. This is actually a selection by the government. We'll start with Dr Frankford.

**Mr Robert Frankford (Scarborough East):** Good morning. Could you tell us a bit about your understanding of the position you're taking on and what you feel the corporation does and what you would like to do if you're appointed?

**Mr Kenneth Holder:** My understanding is that I'm being asked to assist the board in making the kinds of decisions that the board has to make. My understanding of the Ontario Realty Corp is that it's a corporation set up to bring some discipline to the management of the government assets, property more specifically. In that regard, having spent a number of years at CMHC and with my professional background, I believe I can bring to the board some sense of the economics of real estate. We ourselves at CMHC had introduced the notion of a cost centre, which brought some discipline to how managers generally dealt with property. So in that sense, I think there is a parallel in terms of what this corporation is trying to achieve.

**Mr Frankford:** Do you have an overview of what the government actually does own right now, or is that something you'd have to learn?

**Mr Holder:** Which government do you mean, your government?



**Mr Frankford:** The government of Ontario.

**Mr Holder:** Oh, I'm sorry, I mentioned about CMHC and my experience with Canada Mortgage and Housing.

**Mr Frankford:** Right, yes.

**Mr Holder:** No, I don't, but I have a sense that it owns a substantial amount of property. Certainly it partnered with CMHC or the federal government in the Malvern lands, with which I'm familiar and have had a lot of dealings, and there are many federal-provincial holdings as such, but in terms of property owned exclusively by the Ontario government, I really do not know in detail.

**Mr Frankford:** If I understand right, the realty corporation has not up to now been involved in things like planning, say, the Malvern area. If I'm not mistaken, that has not been the thrust; it's just been sort of looking at what land there is, involved in the fiscal management and, as you say, tried to bring some discipline to it.

**Mr Holder:** My understanding, and I might be wrong and correct me if I'm wrong, was that all the various departments of the government that had dealings with housing might be integrated into the Ontario Realty Corp. Certainly the Ministry of Housing staff that dealt with Malvern had knowledge of planning processes, zoning and that sort of thing, so I would assume that resource is available in the government.

**Mr Frankford:** I believe one part of the government's property portfolio would be Ontario Housing, MTHA in Metro, and I understand there's some indication in the new direction for MTHA to look at the value of it and perhaps to do things to somehow even sell off part of that land.

**Mr Holder:** I'm sorry; I didn't quite get the question.

**Mr Frankford:** I don't know if it's really a question; it's perhaps more of a comment.

**Mr Holder:** I didn't think MTHA property was sort of the thrust of the Ontario Realty Corp, because MTHA would have the mandate to manage its properties, subject to the rules of the Ontario government itself. They've got that autonomy. But I thought the property that was directly owned by the government and managed by it, offices and so on, and land, would be more the area of the thrust of the corporation.

**Mr Frankford:** I imagine you're really in a situation where things are not fixed and questions about MTHA may well come up in the future.

**Ms Christel Haeck (St Catharines-Brock):** Welcome, Mr Holder. I've actually had a little exposure to CMHC. In my other life I was on the incorporating board of a housing co-op and CMHC actually provided some of the assistance to get that co-op built.

From looking at your résumé, you've obviously had a range of experience, including real estate appraising. As far as the realty corporation is concerned, I would assume that you'd be able to bring quite a variety of skills to that body from the point of view of understanding the balance sheet, that you're able to read that balance sheet very well and understand what a property might in fact bring.

**Mr Holder:** Yes, I do have a fairly good knowledge

of the economics of real estate. I was the chief appraiser of our Toronto office for 10 years, and although I haven't been in appraisal directly since 1976, they say you can take a person out of appraisal but you never take appraisal out of a person. So I am constantly wearing that appraisal hat and sort of looking at the highest and best use of property, the efficient use of real estate.

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**Ms Haeck:** Very good. I will defer to anyone else on our side, if they have any additional questions.

**The Chair:** I don't think so. That's less than five minutes. That's great. We'll move on to the official opposition.

**Mr Curling:** Mr Holder, welcome to the committee. It's a reversal now, because I've come to you for advice in the past, and I presume you're giving some of your good knowledge to this corporation and I think you can add, of course, some valuable contribution to this corporation, this questionable corporation as a matter of fact, as far as the opposition is concerned.

The question earlier on by Dr Frankford brings to reality that I don't think even the government knows why it has formed this corporation, because the fact really is that it is setting up a construction business now. They're into the construction business. They say that they're trying to identify surplus lands and surplus assets and then maybe develop that asset and sell it on the market and then use that money to pay off their deficit itself. Would you consider this corporation as one of the construction industry, one of those that is in business like the private sector, to develop and sell their assets?

**Mr Holder:** My understanding of the mandate of the Ontario Realty Corp is that it will not be building things like a construction company, and if it were operated similar to CMHC, what I would see it doing is identifying land that might be underutilized or land that's available and ensuring that it got zoned properly and inviting the private sector to make bids in terms of getting the maximum benefit to the government.

I don't think it is staffed to go out and build housing. I certainly would not encourage that, because the private sector, the builders, are in the building business, but it's a question of selecting the best builder, that process, and the people who will achieve the government's objectives. I don't believe, unless I'm misunderstanding the role of this corporation—but they really control what happens. They control the pricing of the property, the design and things like that. That's my understanding of the role it will take.

**Mr Curling:** All right. I have a somewhat different understanding. I have an understanding the other way, where they will develop the property and put it on the market for sale so they can get a profit and use that money to write down the deficit. That's one part of my understanding of this. It was my understanding too that even with some of the buildings they're going to put up for their own use, or their own property, they themselves would construct this thing. I'm not really quite clear about what they want to do in that regard.

The part I would like to ask you about is, are you



familiar with how they value their assets now, their land? In other words, who does the valuation of that? Is it the corporation? Is it a private evaluator who comes in and says that these properties are valued at this rate?

**Mr Holder:** I'm speculating here, Mr Curling, in terms of how I think it should go as opposed to what actually takes place. I'm not a member of Ontario Realty Corp and it's only within the last month or two that I was given some literature about the mandate of the corporation. It has a lot of similarities to how we manage property and land. In that context, I would expect that we would seek to control what is happening in building—I'm sorry; I missed the point you had. The government doing things itself? Was this your line of reasoning?

**Mr Curling:** Yes.

**Mr Holder:** The issue here is to maintain control of what happens. You invite the private sector to do the things it do best, but you always make sure there's a competitive type of process where we decide this land should be developed, we get planners to tell us how it should be developed, and then we invite the builders to build their housing.

In terms of the appraisal, it again depends on the purpose of the appraisal. If you're looking at trying to establish what your present portfolio is worth, you could do one of two things: Get your own staff to give you a valuation, which I think we did, and if it's something that's likely to be contentious, then you'll get an outside appraisal and give them the terms of reference.

Wherever there is a valuation that is likely to result in questions—for example, if you're selling property and there is a potential conflict because your inside appraisers might not have as much knowledge as you think they might have about what's happening in the market—you get a second opinion to sort of help confirm that price.

I would imagine, and I would certainly strongly recommend if I became a member of the board, that where it was not just an academic number but a serious number that would raise some questions, we would, in addition to getting our internal appraisal—I would presume there is appraisal staff available at Government Services—get an outside appraisal, and sometimes two. It all depends on how significant the property is, how important the decision is and so on. Then you get enough opinion to confirm the conclusion you want to propose.

**Mr Curling:** Let me go into your area and just use the opportunity to ask your advice on this. There are many Ontario Housing—that is, owned by the government—or some of these non-profit homes that are being financed and mortgaged according to the concept that is set out. Eventually some of them are going to run into big trouble so that they can't pay their mortgage and the government will maybe have to look at buying them back or assuming all these liabilities. Do you see that this corporation will be buying back or taking charge of the non-profit housing that is in deep trouble should they go into trouble? Who will acquire that? Would this corporation do something like that?

**Mr Holder:** Ontario Housing Corp's property is public housing, owned by the government and subject to

a mortgage, I think, that was provided by the federal government.

**Mr Curling:** Yes.

**Mr Holder:** I don't believe, given the age of the public housing and unless something fairly sort of radical happens, that the scenario you are envisaging would likely happen, because all the tenants are provided with rent geared to income, which almost ensures there's an affordable rent, and there are subsidies available from the federal government for the 50-year term of the mortgage.

I could see a situation where if the properties started to deteriorate and there was a decision by the government to stop funding repairs and so on, these properties could run into some difficulty, and I think CMHC, as a partner, would have to sort of help come to the rescue.

The role of Ontario Realty Corp might well be one of giving advice on the best solution. The hope is that the expertise will be there, because we've had all kinds of horrendous problems with properties that we have and there are all kinds of creative solutions, including deferring mortgages, taking moratoriums on mortgages. For example, take the sprinkler situation now in buildings as a result of the fire in North York. There might be a reason to need several millions of dollars that are not available, and this could be accomplished by letting the mortgagee, which might be CMHC, agree to a temporary moratorium.

I'm saying I can't give you a sort of black-and-white answer as such, but I know there are creative solutions that can be brought to bear to solve that kind of problem, and Ontario Realty Corp should have that expertise to provide it.

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**The Chair:** Mr Crozier, there are 30 seconds if you wish to have a fast question.

**Mr Bruce Crozier (Essex South):** A very quick question: Good morning, Mr Holder. How do you feel about selling provincial assets to municipalities at market value as opposed to \$1?

**Mr Holder:** I feel very good about it. I use the analogy of the federal government. We have to compete with other departments. In other words, if you give each department the discipline of managing its own affairs on a businesslike basis, then Revenue Canada will not sell CMHC its property at any other figure than market value. So I think the principle is a sound one.

**Mr Crozier:** Notwithstanding the fact that the taxpayers are paying for it twice.

**Mr Holder:** The assumption is that the municipality would have to acquire that property anyway and that if the provincial government didn't have the property, it would have to get it somewhere else and it would have to pay market value. I think they can give them back all kinds of assistance they want to give, but my recommendation would be that you keep these things very pure and discrete and not have these hidden subsidies that create some problems.

**Mr Runciman:** Mr Holder, from reading your résumé and a few responses I've heard, I think you're a solid candidate for appointment. I have no difficulty with your



being here today for appointment to the board. I don't have a problem either with the idea of selling off government properties if indeed the moneys are dedicated to paying down the provincial debt and over time we can see that occurring as a result, and these moneys don't simply go into the black hole and are spent for a variety of political purposes other than the long-term betterment of the province of Ontario.

I'm just curious, and this question may have been answered when I was outside the room, how did you go about getting this appointment? Were you contacted? Were you encouraged to submit an application? Just what was the process?

**Mr Holder:** I was approached by a staff person from the Ministry of Housing whom I've worked with in a partnership situation with CMHC who invited me to come on board. I didn't know there was a vacancy and I was very delighted to accept it. This person happens to know my workings at CMHC.

**Mr Runciman:** This is a senior individual within the ministry?

**Mr Holder:** Yes, an assistant deputy minister.

**Mr Runciman:** So you were never at any point contacted by an elected official.

**Mr Holder:** No.

**Mr Runciman:** Thanks very much. Good luck.

**The Chair:** Thank you, Mr Holder, for your appearance before the committee this morning.

ANTHONY CARFAGNINI

Review of intended appointment, selected by official opposition party: Anthony Carfagnini, intended appointee as chair, Northern Ontario Development Corp.

**The Chair:** Our next intended appointment for review this morning is Mr Anthony Carfagnini. Welcome, Mr Carfagnini, if you'd like to come forward and be comfortable. Who would like to lead off?

**Mr John C. Cleary (Cornwall):** Welcome to the committee. I know this is very important to the north. I was just wondering sir, what changes you would like to see now that you're going to be the chair.

**Mr Anthony Carfagnini:** I've been on the board for a little over a year now and I'm still in the phase of learning the relationships between the Northern Ontario Development Corp, other ministries and government policy in general. I don't have a fixed agenda coming in from the private sector to say, "I will change this," or "I will change that." I would like to think that I'm open to change and I have some ideas about improvements that can be made, particularly in communications between boards that are government boards in the economic development area. So I'd like to see some improvement in interboard communication so that small businesses have an easier access to the full range of development opportunities that are provided.

**Mr Cleary:** I'm more familiar with one of the other development corporations than I am with the north. As you know, and I'm sure in the north it's been the same as it's been in the east and all over where banks call loans on businesses and businesses try to restructure, with

the time it takes to get a commitment from the development corporation, sometimes the deadline comes before the commitment. I was just wondering if you had run into any of that in the north.

**Mr Carfagnini:** That, interestingly enough, was the impression I had as a practising lawyer in my dealings with NODC before, that there was a feeling in the small business community that while there might have been an incentive or something there, the time and trouble of getting it and the delay in decision-making sometimes made it not worth the effort.

Since being on the board, I've been very impressed with the administration and management. I can't deny that there is a time factor and particularly in that area where you're talking about restructuring. The important thing that the various management people have to look at is there are some fairly shrewd people out there in terms of the way in which matters will be restructured and at whose expense. It does require significant time in analysing the security, the share structure and the other elements in the restructuring.

I found, through seeing a number of them being put together over the past year or so, that generally speaking they do come in time, they do save jobs. I'm not sure how to totally do away with that impression. I'm concerned that things not be rushed sometimes for other motives because the guarantee or whatever facility is used to keep that business operating and the jobs in place is something that—the government of Ontario might be called upon at some time in the future. So a real hard look at the security and attempting to get from the private sector the best deal possible is to me more important than a small delay.

**Mr Cleary:** I'm sure that in the north you work with consultants too, that you appoint consultants to—

**Mr Carfagnini:** There are consultants in the Thunder Bay office as well as in other centres across the north, yes.

**Mr Cleary:** The thing that I'm going through right at the moment where there's a deadline of a week and a half away at—it's a well-known company that's been in business for a long time and got caught in the recession and downsizing and they have to give a decision to the bank in a week or two. We get all kinds of excuses from the corporation that the person who was in charge of the file, due to a death in his family, is away for a week. These people who are trying to get the loan guarantee are so upset. I was wondering, in the north, would they appoint another consultant?

**Mr Carfagnini:** Are you speaking of a situation in southern Ontario, the Ontario Development Corp perhaps?

**Mr Cleary:** I am speaking about eastern Ontario.

**Mr Carfagnini:** Eastern Ontario. There are strong consultants and there are some consultants who are not strong. I'd be less than honest if I didn't say that to you. Where there is a weak consultant, I think it's the responsibility of management to deal with that issue. It's not an answer to that particular business because they may have a frustration because of that.



I, however, would take the business's view with a grain of salt and would like to see what is really behind it from the development corporation's point of view. I hesitate to try and comment on a situation that I don't have a full picture on.

I also feel, just from having seen some of the restructurings that are done, when a deadline is imposed, the bank may be imposing that deadline for its own purposes. I don't see that the government of Ontario has to roll over and jump when the bank says jump. I appreciate the frustration and perhaps anger of the businessperson you're dealing with. I understand that, but I also think there's a very important responsibility for the consultant and the board members of EODC who are going to have to deal with that restructuring to ensure that things are in place to protect the guarantee or whatever is being asked for. The bank has decided to get out. I have no idea what the deal is, and somebody has to look at that closely.

1110

**Mr Cleary:** I understand that it's been a great asset in eastern Ontario to have the corporation. But anyway, I just thought, being this was really fresh in my mind, that I would like to get it out to someone. My colleague wants to say something.

**Mr Curling:** There's no doubt of course that the Northern Ontario Development Corp can serve a very effective role in assisting development of the north. Do you feel that the government gets value for money?

**Mr Carfagnini:** Yes, I think they do, and my view has changed in the year that I've been involved. There has been a great turnover within management, as well as at the board level, in the development corporations, and I think the people who have now assumed those positions are fresh, they are very talented. I've been astounded, frankly, with the efficiency of the organization. I guess I came to it with the private sector attitude about government organizations, and I was very pleasantly surprised.

I have also spoken in the last month or so to a couple of accountants with a couple of the major accountancy firms in Thunder Bay to get from them what they thought about Northern Ontario Development Corp, and they have found that the consultants in the field offices are the people they deal with on the nuts and bolts and that the work done is done extremely well.

**Mr Curling:** I notice too that of course the emphasis in support or assistance or loans given in the manufacturing sector is quite high. Is there any explanation why the tourism here is so low? Is it because not much is being done or emphasized, why more money is not given that way?

**Mr Carfagnini:** Was that tourism you're asking about?

**Mr Curling:** Yes.

**Mr Carfagnini:** In the north, actually, it's quite the other way. The Northern Ontario Development Corp acts as the agency for the ministry of tourism with two of its major programs: the Destinations North program and the TRIP program. What occurs there is that those are ministry of tourism programs to help resorts and other tourism establishments that are really major employers in

the north. The NODC people do the details of the loan, and then there's a transfer back of funds.

We include them in our loan administration portfolio and in the north the tourism percentage is quite high, for example, direct loans, as opposed to what we would call agency loans, which would be largely either tourism or Northern Ontario Heritage Fund Corp loans. In the last several months, out of 160 loans, 130 were agency loans. So the Northern Ontario Development Corp really acts as almost the bankers for a couple of other significant ministries in the north.

I'm not sure if that answers the question.

**The Chair:** Thank you. Mr Runciman.

**Mr Curling:** That was very fast.

**The Chair:** Yes, but it's all on the clock.

**Mr Runciman:** You practise law in Thunder Bay?

**Mr Carfagnini:** Yes, sir.

**Mr Runciman:** What kind of law? What does your practice consist of?

**Mr Carfagnini:** Mostly property law. I'm a solicitor as opposed to a barrister. I don't do criminal law or family law or things like that. It's a small practice: mortgages, real estate, estates, a fair component of work with Indian bands and native organizations, and some small business, corporate, estate planning, that sort of work. So a generalist, I guess, in the property law area is the way I would describe my background.

**Mr Runciman:** How many lawyers are in the practice?

**Mr Carfagnini:** Just two: myself and Mr Edwards.

**Mr Runciman:** Do either you or your partner ever have to deal with development proposals that might have some connection with the NODC? What I'm really getting at here is, is there any potential for conflict? You're in property law. You do deal with real estate development proposals. Is there any possibility of conflict arising or do you see any?

**Mr Carfagnini:** There's a possibility. The rules with respect to what one should do in that case are pretty clear. But I don't think the possibility is that great because I have a very small practice. If I were a member of a much larger firm, for example, I think the potential for conflict might be greater.

**Mr Runciman:** So you don't think this appointment would have any impact in a positive sense on your practice?

**Mr Carfagnini:** In a positive sense?

**Mr Runciman:** As chair.

**Mr Carfagnini:** Well, the experience that I hope to gain by doing it. I hope it will be useful in my future. I like to deal with organizations and I'm really enthusiastic about this because I think I can learn a lot here.

**Mr Runciman:** I see you went to the University of Ottawa law school from 1974 to 1977. Was Howard Hampton a student at that time?

**Mr Carfagnini:** He might have been, but I don't think he went to the University of Ottawa. I think he was later than me actually.



**Mr Runciman:** He went to Ottawa.

**Mr Carfagnini:** Did he go to Ottawa?

**Mr Runciman:** Yes.

**Mr Carfagnini:** He was after me.

**Mr Runciman:** So you don't know Mr Hampton personally?

**Mr Carfagnini:** Yes, I do know him. He's the sitting member for the riding just west of us, so I have met him, yes, but I've never worked with him in practice or anything. I think he practised somewhere to the west of us.

**Mr Runciman:** I'm not sure he ever practised.

**Mr Carfagnini:** I think he did for a couple of years.

**Mr Runciman:** How did you get your original appointment to the board? Were you approached by someone?

**Mr Carfagnini:** No. I was interested in doing something and I went to the library and took out the book on government agencies and commissions. I looked through the book for something that I thought I would be interested in and that was suitable for my background and I wrote a letter in to the public appointments secretary with my résumé. About a year later, I got a phone call and then I was asked to participate.

**Mr Runciman:** So you've never been approached by an elected official or discussed the possibility of an appointment with an elected official?

**Mr Carfagnini:** No.

**Mr Runciman:** Well, I guess you automatically conclude these things, and sometimes in error, there's no doubt about it, because you also have some experience in the labour area. You're a part-time lecturer on labour law. So I guess one jumps to these conclusions, sometimes in error, that you may have connections to the current government, the governing party. No truth to that? You don't belong to the NDP or never have belonged to the NDP?

**Mr Hope:** You should base your information on facts, not on fiction.

**Mr Runciman:** You're not a financial supporter of the NDP and have not been in the past?

**Interjection:** There's a tough one.

**Mr Carfagnini:** You're asking that question directly?

**The Chair:** Mr Runciman has the floor. I appreciate the interjections from a humorous point of view, but it doesn't expedite the hearing.

**Mr Carfagnini:** The answer to that question is yes, I am a member of the NDP. I didn't think this would be quite like—

*Interjections.*

**Mr Runciman:** I'll put on the record that I'm really shocked by that revelation.

I want to move on to a couple of other areas. You've been a member of the board for, I think you indicated, a year.

**Mr Carfagnini:** Since October 1993, yes.

**Mr Runciman:** Do you know in terms of your own

board what percentage of loans you've written off in the last year or the last two years, the last three years? Have you taken a look at that?

**Mr Carfagnini:** Yes. Since January, I've been on the audit committee, which is the audit committee for all of the development corporations. As you may know, this year there was an accounting change with respect to how loan loss provisions are taken into account. I believe the loan loss ratio is about 4%, which I'm told is somewhat higher than a traditional bank would be.

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**Mr Runciman:** How does that compare with the other development corporations, the ODC and the EODC?

**Mr Carfagnini:** Oh, I see.

**Mr Runciman:** Are you running above or below?

**Mr Carfagnini:** I was referring to the development corporations in total because of the audit committee. Oh, gee, I'm not sure if the ratio of loss is higher in the north. Sorry.

**Mr Runciman:** It may be something to take a look at. I know in the research materials we were provided with, that issue was raised by this committee with officials of ODC some time ago. The committee at the time made the recommendation about conducting a cost-benefit analysis of the development corporations. I wonder if you have a view on that, and perhaps not simply coming in and doing that sort of detailed analysis of all the corporations but perhaps one at a time over a period of years, or perhaps even taking a look at one, perhaps the most active one, the ODC, I'm not sure, to try and quantify the benefits to taxpayers in respect to the operation of these. Do you have a view on that?

**Mr Carfagnini:** Yes, actually, that process of going corporation by corporation is already under way. But with respect to the main point of your question, I think—

**Mr Runciman:** Already under way, and who's conducting it?

**Mr Carfagnini:** Management of the Ontario Development Corp really—it has common management, as you know, so it's being looked at corporation—

**Mr Runciman:** Is that an appropriate group or body to be conducting that kind of an analysis? One would suggest that it should be perhaps someone from the outside, perhaps from Management Board, I'm not sure, but other than—the development corporation doing that kind of assessment of its own viability, its own structure, strikes me as not something that would necessarily be considered objective.

**Mr Carfagnini:** Let me answer the main part of your question, which is cost-benefit to the province. I went through the Allen report, which is a report done about two years ago by an outside consultant to get at that very issue: If there is a guarantee or loan given and it's totally lost—in other words, the business goes completely under and there's no recovery whatever—what is the cost-benefit analysis to the taxpayers as a result of having made that loan or lost that money? I really think it's a very good report; it changed my thinking on it.

If those people were not employed at a business like



that, they would be on the general welfare rolls in many cases. The study effectively takes out all of those federal dollars that go into supporting people who don't have work, makes a very careful analysis, one of which is directly in the north, and I was astounded to see that a payback in terms of cost-benefit analysis often happens within three to five years of a loan being made, and you will find, if you look, that the loss ratios are nowhere near 100%. I think the benefit to the taxpayers of Ontario of guarantees or some incentive loans, or even restructurings, is certainly there and would stand any scrutiny.

**Mr Runciman:** Okay. Thanks very much.

**The Chair:** We have actually five government speakers, and it's in this order of surname: Marchese, Frankford, Haeck, Harrington and Hope. So we'll start with Mr Marchese.

**Mr Marchese:** Mr Carfagnini, it's a pleasure to have you here today. I should just point out that most Italian Canadians are Liberals. There are probably more Conservative Italian Canadians than there are NDPers. It's a delight to have you affiliated to the party.

**Mr Carfagnini:** Well, I'll shock you further: I'm not a Catholic either, sir.

**Mr Marchese:** I am. But back to the order of business. One of my interests is access to capital. I've been working with small business quite a long time, the last two years, in fact. We have a Fort York Small Business Working Group and there are about 700 people who are connected to us, and part of the concern they have raised is access to capital. The banks are choking credit to most of the small business people. They do provide big loans to big corporations, but a disproportionate number of dollars to small business. We all know 90% of the jobs, more or less, are created by small business, not by big corporations, so we have a serious problem in terms of how we maintain and have an economy grow when we recognize that 90% of the jobs are created by small business.

We changed the legislation a while ago that would allow credit unions to be able to get into the competition with banks, and I think that's great. My suspicion and hope is the credit unions will also free up more of their dollars to small business in a way the banks have not.

Are you connected to this issue in any way, or are credit unions connected to the ODC in some way or other, or yourself? How do you link perhaps what you do to credit unions as a way of freeing up access to capital?

**Mr Carfagnini:** I agree entirely with everything you've said. There is a problem in access to capital, particularly for very small businesses. The current chair of the ODC I think is very strongly of the view that access to \$4 billion or \$5 billion worth of credit union capital for the small business sector should be accessed. I think some of the recent legislative changes will do that.

I have involvement with credit unions. Some years ago I sat on the board of directors of a credit union and I have several as clients where I do mortgage lending for community credit unions. They tend to know their people very well. They know the businesses well. They know the

families. They know the property. Their credit committees, volunteer committees, will go out and watch the progress of construction of a home—very direct control and I don't think you can measure that on paper.

I can tell you that the quality of the loans is likely to increase. There are some warning flags, however. Some smaller credit unions are not equipped to do commercial loans; some larger credit unions are. The development corporations, on a pilot-project basis—I think particularly more in southern Ontario where you have much larger credit unions—are going to start encouraging commercial lending by credit unions to get that capital that people save in Ontario, working in Ontario, to create more jobs.

That's certainly a direction that is being pursued and I would like to see it done on a case-by-case basis in the north, because the financial institution has to have the strength and expertise to make those kinds of loans.

**Mr Marchese:** One quick question, because I know everybody else wants to ask questions as well: With respect to small businesses that your corporation has funded, would you say that you could be doing a more effective job, that the corporation has done the best that it can for small business people? Are there pros and cons, or are there things that you would like to change with respect to the corporation and how it relates to small business?

**Mr Carfagnini:** I'm going to try to get out to the local business community and get more information from them about what their complaints are about the organization and try to get those concerns or complaints relayed back down to the staff level in terms of improving turnaround times and levels of service. With respect to performing a job and a function, they are filling a gap in financing. If the development corporation were not there, a lot of small businesses would not be operating, particularly in the smaller end with the new ventures loan and the aboriginal new ventures loan. Those loans just wouldn't be made by the banks without those programs.

**Mr Frankford:** Just following up on the question, are you familiar with the micro-loan lending circle approach? That's called Grameen banking.

**Mr Carfagnini:** Yes, I am. I'm familiar with that being operated by the Calmeadow Foundation and Martin Connell.

**Mr Frankford:** Do you think this is something which your corporation could be getting into or do you think it's best left to private things like Calmeadow or perhaps Jobs Ontario Community Action, which I think can also be doing something along those lines?

**Mr Carfagnini:** A new program started just last year, initiated by the Bank of Montreal, with the development corporations is the aboriginal new ventures program, which is specifically designed for smaller loans—I think \$15,000 or something like that—for on-reserve loans, because there are problems in conventional lending in that area. That's not quite the same as the micro-enterprise and lending circles. I could talk for an hour on this because I'm familiar with native communities and how they operate. I don't know that it could be done in quite the same way by a conventional bank and with a govern-



ment guarantee. I don't think it would have quite the same perception in the native community.

**Mr Frankford:** Looking at your areas of interest, I see that forestry, environmental protection and small-scale hydro-electric development are there.

**Mr Carfagnini:** Yes, sir.

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**Mr Frankford:** It sounds as though you're interested in environmental things. Do you have some thoughts about, let's say, green jobs and green businesses that you would like to see created?

**Mr Carfagnini:** One thing I don't have on the résumé that I'll mention is that for the past couple of years I've been sitting as a citizen on a citizens' advisory committee for the Port Arthur crown management unit. That is going to become a local citizens' committee, as ordered by the environmental assessment panel that had the year-long hearings, many year-long hearings, in the timber industry in the north. I learned a great deal about forestry, forest management, and environmental issues are very much dealt with by our firm. My partner has done a lot of environmental work.

I think those are industries of the future in the north. The pulp and paper industry is changing rapidly and the whole focus of the Ministry of Natural Resources—it's influence is dominant in the north because we just have a huge area. We have an area larger than many European countries and it's forested and it needs to be reforested. I have a great interest in that area because we're very close to the land up in Thunder Bay.

**Ms Haeck:** Just following up on that last comment, I had the opportunity to participate in something called the farm exchange and I, shall we say, just blithely put down I'd go anywhere in the province and ended up in New Liskeard. So I got to see the little clay belt and got a bit of an understanding of the joys and challenges of trying to farm in a much more northerly climate than I represent, which is southern Ontario, the Niagara Peninsula. In that process, the gentleman who was my exchange partner made me aware of a project they were trying to put forward which in fact dealt with a poultry processing plant.

In looking at the research document our researcher has prepared for us, I didn't see that agriculture was something that specifically seemed to be an area of interest of the Northern Ontario Development Corp. I was wondering how you would deal with those kinds of projects when they came forward and if they come forward—probably first if and then when—how you would deal with reviewing these kinds of applications.

**Mr Carfagnini:** I think that kind of thing in the agricultural sector would come through a working relationship with the development corporation and the Ministry of Agriculture, Food and Rural Affairs in the same way as we would work with tourism. One of the actual real success stories in the northwest is Vacationland dairies in Fort Frances, which is obviously in the agricultural area. I believe that is a client, if you want to put it that way, of the Northern Ontario Development Corp. It's a cooperative that works with the local

farmers to turn that milk into a product that they can sell locally in a highly competitive market, because we're dominated by Manitoba as far as local services in our part of the province are concerned.

I think the development corporations are certainly open to that. It's unusual in the north because those areas where farming is possible are few and far between. There's an area around Thunder Bay as well, but it mostly just serves the local market.

**The Chair:** Thank you for your appearance before the committee this morning, Mr Carfagnini.

WILLIAM KNIGHT

Review of intended appointment, selected by the official opposition party: William Knight, intended appointee as member, Ontario International Trade Corp.

**The Chair:** Our final review this morning is Mr William Knight. Welcome, Mr Knight, to the committee.

**Mr William Knight:** Thank you.

**The Chair:** Mr Curling, would you like to start?

**Mr Curling:** Welcome, Mr Knight. I see you have extensive experience in being principal secretary to a lot of premiers, NDP premiers in this country. This becomes a sort of haven now because Ontario's a very active place where things happen, especially having a new NDP government. You applied for this job, I presume, to sit on this board.

**Mr Knight:** I was approached by I think it's called the appointments secretariat to sit on the board.

**Mr Curling:** You were approached by them because of your expertise, I presume, or because you are a member of the NDP?

**Mr Knight:** I think the approach is based on a number of factors. One is that in the province of Ontario, as you're aware, I am now heavily involved in the credit union system and the cooperative system within the province of Ontario and across Canada. We have about \$17 billion of assets within the province. Like many small and medium-sized businesses, most of our enterprise has been domestic in nature. Not unlike other small or medium-sized enterprises, we're now moving to have to respond internationally. Historically, we had done a lot of work internationally around development in the Asian region and developmental work in central South America, and now we're into eastern Europe.

One of the interesting factors we found in some of the studies that have been done in the province of Ontario is that we have an enormous opportunity here to take what had been initially international aid development and turn it into trade in terms of exchanges of goods and services between cooperatives and credit unions we've established out there. So we as a sector have decided to take the responsibility to work with governments, federally and provincially, to assist in enhancing trade. That's why we're interested in this. And, yes, there's no question of my background, that I was and am a New Democrat.

**Mr Curling:** How do you respond to the de-emphasizing of what you just explained in regard to Africa and the Caribbean, that this government has not really shown any great interest in developing some of those develop-



mental funds that are there? As you said, the emphasis now is China and Europe. Do you have a response to that?

**Mr Knight:** Yes. We're finding, by the way, pending the upcoming federal budget, that we are still bringing Africa and the Caribbean as a priority. Frankly, if the appointment goes through, I will bring that view to the trading corporation as well, that these are significant markets. I have a number of colleagues in Ottawa who are working in South Africa, for example, working very hard with the new Mandela government. I'll try and bring forward that view of the real opportunities we see there of expertise in kind in terms of assisting.

I'll give you one quick example, if you don't mind, on South Africa. The Mandela government had set up criteria for the establishing of state governments. There is no infrastructure to do that. If we're going to trade in different commodities with South Africa, the development of the infrastructure programs is compatible with developing the trade at this point in time, and there is room to have that within the priority list, from my point of view.

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We in the South African market were heavily involved with the ANC historically in assisting in a number of the areas in getting credit unions going. Now they have been sort of compatibly legitimized with the coming of the Mandela government. Using that as the basis, we would like to see an enhanced role here. One of our centrals, for example, has partnered with South Africa in helping to bring financial services etc. What comes with that is that of course the trade of goods and services reinforces those relationships. So I hope to bring that view to the corporation in terms of a number of those areas in the world.

**Mr Curling:** I think you're emphasizing things that I've identified. South Africa becomes the focus now, and I'm saying that there is more than South Africa in Africa.

**Mr Knight:** Yes, very much so.

**Mr Curling:** There's more, and there are other countries that have been conforming a long time and have been cut off by this government and downsized in any way in emphasis. I was pleased actually, and I'm not using partisanship, when the present federal government had extended two CIDA ministers to Asia and also to Africa and Latin America, that there is potential there. I'm very concerned that it is happening, and I know South Africa becomes the excitement now.

In my short time I'm going to jump to something. How do you respond really to some of the criticism that was faced by the dealings with China and their human rights and, say, doing trade with them? How do you deal with that with your philosophy being changed now, that you can now do business with China, and some of the critics about the human rights violations there? The Premier has helped you out somehow; he has changed his view. Do you follow on his view of change too in that regard?

**Mr Knight:** I have no change in view. We were working in a number of areas, particularly a number of provinces within China for a long time, and I believe that the Premier's view and my view would now be in concert. I state that very clearly.

In order to speak to the issues, the multiplicity of issues related to the People's Republic of China, to now be enhancing a role between China and ourselves in terms of trade and exchange allows us to speak to a nation whose size and strength—our experience in the cooperative movement was that they could be quite self-contained. With the Middle Kingdom opening up to the rest of the world, there's now opportunity to also raise the fundamental issues around human rights. We have found as organizations, in doing international work in that market, that by creating relationships we're now able to put those issues on the table.

**Mr Curling:** You're trying to expand trade around the world, and this government has shut down most of the offices while it's trying to expand trade. Do you think that was a good move, or will that assist you, or do you see a recommendation coming from you folks on that board saying, "I think that other areas there should be opened because we really want Ontario to be on the map and we want those trades and exports to be going to those countries, and the facilitation will be helpful if those offices are established"? Do you see anything happening that they open those offices again? I know they kept Japan going—I have my reasons why—but do you see an expansion or reopening of those offices again?

**Mr Knight:** First of all, I think a series of governments, in the provincial jurisdiction and some closings federally in the past were inevitable when you look at the financial restraints governments generally are under.

Secondly, I believe that opening and closing offices maybe is not the issue. I refer the members of the committee to a report on international trade done for the new minister, the Honourable Roy MacLaren, at the federal level. In that report, there is a proposal to be able to combine the activities of the federal government, both its embassies and its trade offices, with representation within those embassies without having to have enormous physical plant re-established and all that goes with that and all of the implications of appointments etc, regardless of who's in power, wherever they are.

I don't think it's a question of offices any more. I think it's a question of coordination. If the chair of the corporation, a former Premier of the province of Ontario, myself between 1978 and 1982, were deeply involved in a lot of discussion between federal and provincial jurisdictions, surely by the 1990s we'd be able, in a fundamental area such as trade, to combine the efforts of those two jurisdictions and bring about some effort where you don't necessarily need the physical office to do it. You already have the facilities of the federal government and you can complement that and combine it. I'd recommend to the committee a read of the MacLaren committee report; it's an excellent piece of work.

**Mr Runciman:** Mr Knight, welcome to the committee. You've had significant experience in government, both at the provincial and federal levels. I'm just curious: What has been your view generally of these so-called patronage appointments? How have you viewed them in the past?

**Mr Knight:** A couple of things: In my view, I think all members of this committee sooner or later—I guess



it's a philosophical question for all of us—will face the challenge of why all of us ever ran for office in the first place or served in government, and that is that we wanted to bring value-added to our communities. All of you, like myself, will sooner or later face the question: Is this a patronage appointment or is it based on bringing value-added to a particular corporation?

It's my hope to bring value-added to this corporation and to assist it in enhancing trade for the province of Ontario and to bring a point of view to it related from cooperatives and credit unions.

**Mr Runciman:** So what you're saying is that you don't view yourself as a patronage appointment.

**Mr Knight:** No, I don't.

Secondly, I think this process is a very healthy addition to what I've seen in the past.

**Mr Runciman:** That's interesting. I guess your response is not surprising. I'm not being critical of you, but I suspect if you were in the opposition, like the folks across the way were in the opposition a number of years ago, appointments like yours would have generated significant outrage among their ranks.

**Mr Hope:** Just like the appointment of Andy Brandt. I'm sure that was political too.

**Mr Runciman:** It's passing strange to see how things change and really don't change, other than the rhetoric coming from the different political parties. I personally have no problem with qualified individuals who have connections to a political party being appointed to positions like yours, but it turns me off when I hear the holier-than-thou rhetoric from time to time about these kinds of appointments.

**Mr Knight:** If I could just comment through the Chair, in my observations, since you asked me about the broader question, if you don't mind me just adding a comment, I don't mind saying that I see a maturing that comes with succession to power. I grew up where we were always in power, and I think you understand that there's a maturing that comes with it.

**Mr Runciman:** I note that the Chair laughed at that comment. I found it quite interesting, quite revealing.

To talk about taking different positions—your appointment is secured, so I'd like to explore a few other areas. You talked about your credit union organization, I gather, having connections with the ANC, so this has opened up perhaps some new avenues for you because you established those kinds of contacts prior to the ANC forming the government of South Africa. I'm curious about the linkages here with respect to China and the positions taken by the NDP and others with respect to South Africa, cutting off trade and in fact having sanctions. I'm wondering initially, has your organization established any kind of linkages with democratic movements in China? Has there been an effort made to do that sort of thing as well?

**Mr Knight:** I believe there have been meetings and discussions. But we're also in the unique position that in a number of the provinces within China there are cooperatives that are in primary production, secondary, whole-sale, and we've been working with them.

One of our experiences, and this comes from other parts of the Asian market, is that initially we've been able to assist in the rewriting of the regulatory powers around these cooperatives to open them up and ensure member participation, so we're moving them in that direction at the local level. It's mainly in one or two provinces of China, and we've had some effect in opening them up and helping with the enterprise side of it.

It's a long-term democratic rights experience, because we're getting them to run their own facility, to elect their boards of directors. I couldn't tell you now that it's going to pay off in the long run, but it seems to have some effect on understanding of self-reliance and taking part in their own community and its economic development. It's a real test.

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**Mr Runciman:** I appreciate what you're saying, but I'd love to hear from someone the rationale for the distinction that members of your party, and I guess others as well, make in respect to the different approaches to China versus South Africa. We're dealing with, I think, a much more repressive, violent regime, responsible for continuing assaults against human rights and who knows how many deaths.

You and others built strong alliances with the ANC, cut off trade. Other than the argument, "We can't cut off our nose to spite our face," in economic terms—that's the only one I've heard—how do you justify intellectually, morally, this kneeling at the feet of the dictators of China?

**Mr Knight:** First of all, let's take South Africa. South Africa was approximately \$20 billion-plus, heavily export-oriented—a lot like us, really, in terms of the nature of resource economy etc. We did not trade with South Africa in the context of commercial business throughout the period of the work done by the previous Prime Minister, Prime Minister Mulroney, but we did conscientiously work on development in South Africa. What we were able to do was build an indigenous credit union system, with self-reliance and with these people learning the process of meetings, the democratic process of electing boards etc. That's how we related to that market.

China is a billion people in a self-contained unit, and you're only getting my view; this is a long-held view, long before there was an NDP government in Ontario. China is the Middle Kingdom. It's a billion people. It's self-contained. Their record on human rights is wholly unacceptable. The question then becomes, how does the world community tactically develop some mechanisms for bringing about a fundamental change in that?

If southern China in particular, extending out from Hong Kong, does not get the economic tools of enterprise and activity, and if we have not made relationships and connections, I'm not sure that China couldn't revert to a very self-contained unit. In this instance the experiences are saying we have to try and run as best we can in parallel, in my view, in terms of effecting a massive change, which I believe will come about in China as well. Personally, I believe that over the next decade we will see a major change in that country, and it will be



fundamentally owed to the people in the democratic movement from China.

**Mrs Elizabeth Witmer (Waterloo North):** Mr Runciman has addressed the concern I had, but just one final question, Mr Knight: Were you involved at all in the debate on free trade, and what was your position at that time?

**Mr Knight:** Yes, I was involved in the free trade debate. I was involved at the time of the FTA and not the NAFTA, just to separate the two, and I was opposed to the free trade agreement at that time, yes.

**Mrs Witmer:** What would your position be on those two issues at the present time?

**Mr Knight:** On both those issues, the question now becomes, in the context of them being the law of Canada, how one operates within the context of the North American market and how to adjust to that accordingly.

For example—and this is separate and apart from myself, because the organizations I work in are quite divided on the issue; we have a capacity as credit unions and cooperatives to reflect the community, so we have a lot of people who are very pro free trade and a lot of people who are not. We're having to adjust, like many Canadians, to the restructuring—all those buzzwords—to do trade in an enhanced way with the United States, Mexico etc. Essentially, we have adjusted to following the direction set by the negotiated settlements, and notwithstanding raising some issues, we're still heavily in developmental work in Central America, in Mexico, but we're also finding opening avenues for trade.

**Mrs Witmer:** Are you suggesting that you don't support it but because it's now law you reluctantly are pursuing the avenues available to you?

**Mr Knight:** We're not pursuing them reluctantly; we're pursuing them quickly. I'm just being very open about it. There's no messing around. It's the reality and we're working in it.

**Ms Haeck:** I want to follow up with a couple of questions on the comments you made regarding finding the cooperatives or the smaller units to work with within countries like China, because I think you're right. You have to basically get down into the grass roots to support the development, be it political or economic, of those individuals so they can finally take ownership of the process, and the political process obviously is very much related to the economic one.

A number of us have talked about micro-financing and finding alternative financing sources for small businesses. With the kind of—shall we use the word?—clout the credit unions have, especially in being able to support small enterprises, cottage industries, so to speak, in places like China or the Pacific Rim, how do you see your role, as someone coming from a credit union, in supporting those endeavours?

**Mr Knight:** I see my role as mainly to bring the experience to the collective wisdom of the board and the corporation, to assist the province of Ontario in enhancing trade. I mentioned earlier that I think over 70% of business in this province still does not do any trade internationally.

We have some phenomenal changes going on that governments, private sector, cooperatives—everybody—have to try to get their head around and work together to get their head around. I'll give you an example. For 20 years we did major developmental work throughout Asia. In doing that work, we worked in local areas, communities, in terms of establishment of cooperatives, credit unions. Take Indonesia, Malaysia, Thailand, Philippines, India, Sri Lanka: What we're finding now is that a number of those economies, for example Malaysia, are growing at faster rates than we are. Based on that, we are now finding the very organizations and institutions we worked with are not coming to Canada and touring and meeting with our data-processing companies, our major insurance companies, our trust companies etc, to talk about further aid development; they're coming to talk about trade and technological exchanges—data processing, credit cards, you name it—to partner.

I think what happens is that the two are combining in that Asian market. One of the really exciting things for us as Canadians, as a trading nation, is to be able to build on that now. Some of it will be cooperatives to cooperatives or credit unions to credit unions, and it'll go right down to that local area, the small micro-enterprise or cooperative, in some instances right in the village.

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**Ms Haeck:** Do you see yourself being in a position, because of the kind of background you have—and I can't speak necessarily for the other people I see on my research paper—that you're able to give the kind of advice to a national government, or even a bank or credit union organization, of being able to support those small enterprises in a way they may not have to date?

**Mr Knight:** Yes, and some of that would not necessarily involve—I may have the policy knowledge, but I can find the expertise within our system. Hundreds of our managers have all done international work, and there is real expertise to be brought to the table that I think is ready and willing to assist.

**Mr Marchese:** I just want to speak very briefly to the issue of patronage, for the benefit of Mr Runciman. For your benefit, and you probably know this, prior to this government there was no process like this where we reviewed appointments. In fact, the various governments before us simply appointed people they liked or were connected to, and for most of those appointments we hardly had a clue that they were appointed. Our process opened it up so that everybody knows where people are going. In fact, what we've done is to have created a forum such as this where we give the opposition parties the benefit of simply reviewing the candidates who have been appointed; what they do is review them. Where they see an affiliation or possible affiliation to the NDP, they call them in, and that's basically what happens.

**Mr Knight:** Excuse me. Through the Chair, does that relate to the two upcoming people, the one from the chamber of commerce and the—

**Mr Marchese:** They may ask whether they're affiliated to the Liberal or Conservative Party, but they tend not to; they ask only those who are affiliated or connected to the NDP. The point is, we've allowed a forum



where people can interview candidates. Some of you are connected to our party, but I would say that 90% of the appointments are either affiliated to the other parties or not affiliated at all. The ones we get to see are the ones who are connected to us.

I didn't want you to feel an oddity; you are a member of a minority of people who get appointed. I thought I'd put you at ease.

**Mr Hope:** Your political affiliation means absolutely nothing to the community I represent, but what does matter is the mandate that has been prescribed for you to stimulate trade, growth and economic renewal. With the effects of the free trade agreement, which has devastated my community, NAFTA, which is having an impact on my community, the global economic recession, which has had an impact on my community, the citizens of my community come before me and the federal member, whenever they can find him, and talk about economic growth.

I need to ask you, as a member who will sit on this, what are you going to do for the people I represent, who are citizens in the province of Ontario, to help in the international market trade to bring jobs to our community, to help stimulate growth in our community, to stimulate economic prosperity, while at the same time helping those in other parts of this world for economic growth and economic stimulation?

I have to ask you that because that's what they expect me to ask you, not whether you're politically affiliated or this hocus-pocus of whether you support free trade. Some of the questioning I find very—I mean, the Liberals talk about now opening up all the trade offices. We've had trade offices open; they haven't done well. We have to move to new technology; we have to deal with the business world's shortage of time; their time is very short. I need to ask you very directly for the citizens I represent, who are part of Ontario, what are you going to do to make sure you can put viewpoints to help us regain confidence in our community?

**Mr Knight:** A number of things. We have to build on the recovery that's already taking place. There have been thousands of jobs created in the province of Ontario. We might as well build on that. Secondly, there is trading experience and partnering that have been tried throughout the world by organizations within the province of Ontario that the information and the education ought to be shared with others, particularly smaller enterprises out of a lot of our communities around the province of Ontario. Myself, the organizations I work with are in Mississauga, Weston, out in almost every community in the province of Ontario.

I think what we can do through the trade corporation is finally coordinate a series of activities: (1) on the major capital projects ensuring that everybody gets into the action of being able to put the partnering together to go after those international projects and the spinoffs into those local communities; (2) that we are able to enhance trade and trade education for those enterprises that believe their market may be just Toronto or their market may be just the Hamilton area, if you follow me, to assist them to get out internationally.

I've been following what I think is an incredibly interesting sort of non-office approach to trade, and let me just give you an example that I hope will be discussed by the corporation and by the ministry in general.

The exciting part about Compuserve and Internet and those information highways—that's the buzzword, "information highways," but set that aside—is that in fact we are now in a position to create commercial networks across the world. I'll use an example from way in my past. I used to work with a little farm manufacturer by the name of Freigstadt and he had a little plant in a town of less than 100. Out of that plant, he shipped all over the northern United States. Now Freigstadt, as a small enterprise, could hook up into a network, and when people are looking for his particular specialty equipment, if they're looking for it in Thailand, Malaysia, anywhere in the world, they can relate back and forth through those networks.

I think the trade corporation will become the driving engine to coordinate that kind of activity; that is, not in the building of physical plant all over the world and sending people in that context. I think that day is over, and again I refer to the MacLaren report that was done last fall on international trade, which is an excellent piece of work.

**The Chair:** Thank you very much, Mr Knight, for your appearance before the committee this morning.

**Mr Knight:** Thank you very much.

**The Chair:** This committee now stands recessed until 2 o'clock this afternoon.

*The committee recessed from 1209 to 1407.*

DIANE BESNER

Review of intended appointment, selected by third party: Diane Besner, intended appointee as member, Workers' Compensation Appeals Tribunal.

**The Acting Chair (Mr Robert W. Runciman):** Our first witness this afternoon is Diane Besner. Welcome to the committee. This is a half-hour review. If you have any brief opening comments, please go ahead. If not, we'll get right into the questioning.

**Ms Diane Besner:** No, not at this point.

**Mrs Witmer:** Welcome, Ms Besner. First of all, I would like to ask you briefly, why do you believe that you are well qualified to sit on the Workers' Compensation Appeals Tribunal?

**Ms Besner:** I believe the reason I'm qualified is that, first of all, with my present employment as a representative for the Workers' Health and Safety Centre, I deal with occupational health and safety on a daily basis in the position of coordinating training programs and working with different employers and different organizations to offer training to workers in the workplace. So I am familiar with different workplaces and different types of injuries and circumstances that could be in the workplace for workers as far as occupational disease and health and safety.

**Mrs Witmer:** Your name, I understand, was put forward by Gord Wilson. Is that right?

**Ms Besner:** That's correct, as a worker representative,



and I believe I can do that type of representation for the Ontario Federation of Labour.

**Mrs Witmer:** I'm sorry. Your last comment was?

**Ms Besner:** Representation for the Ontario Federation of Labour as far as a worker representative.

**Mrs Witmer:** I'm interested in hearing you say that. How do you then feel you would handle this particular position if you feel you're there as the representative for labour?

**Ms Besner:** Well, I understand that on these panels there are worker representatives and employer representatives from the different communities, and nominations have to come from those different communities. We bring our experiences from our different representative groups and I think that would just be an asset to this position as far as making sure that both experiences are taken into account on these panels.

**Mrs Witmer:** I guess I would indicate to you, the expectation certainly is that you come and you have expertise, and obviously your expertise is going to be on the labour side; however, it does become important that you as a representative remove your partisan hat, whatever that hat might be, and then you apply your own good faith, your own best judgement, apply these circumstances and make a decision in each particular case. Do you feel you're going to be able to do that? I'm just a little uncomfortable with some of the comments you've made.

**Ms Besner:** I feel that I'm capable of doing exactly that, just like any representatives of employers who present themselves to be on these panels. Of course you bring your own personal experiences and so on to the panels, but I feel that each individual case has to be determined on its own merits once you get there. So I feel that's a possibility.

**Mrs Witmer:** What type of cases do you envision yourself involved in, what type of issues?

**Ms Besner:** I guess I will know that when it comes to being asked to do different cases. It's pretty hard for me to answer that question when it's not up to me to decide which case they want me to review.

**Mrs Witmer:** I'd just like to come back to the issue of being non-partisan and I'd just like to quote. In April 1993, the WCAT issued a members' code of professional responsibility and it makes the following comment regarding the ability to render impartial decisions. It says:

"The presence of pre-existing opinions is not intrinsically a problem. It becomes a problem, however, both practically and in law, when members are seen by their colleagues or by parties to be irrevocably committed to those opinions. Accordingly, all members must be seen to be genuinely willing to review their pre-existing views in light of new evidence and submissions" etc.

Can you comment on that particular code?

**Ms Besner:** I think it makes a lot of sense to have that code in there. It's the reality that you are going to be there and that you have to be there as a member, impartial, and be willing to take in the merits of the case to be able to make a decision.

**Mrs Witmer:** Have you discussed with anyone the role of the tribunal members?

**Ms Besner:** Yes. I met with Maureen who is from the WCAT and we went through a lot of the responsibilities of this role. I previously had a meeting with Ron Ellis, who is the chair, and the committee, where we went through the interview process. I had received the code of ethics and the act itself and had a chance to review that.

**Mrs Witmer:** After reviewing that, you feel very comfortable then that you could do really both things: You could be the link with your respective community, which in this case would be the labour community, and yet you would also be able to look at each individual case and the circumstances, the issues involved, and render an impartial decision?

**Ms Besner:** Yes.

**Mrs Witmer:** What do you see the role of the WCAT being?

**Ms Besner:** I see that WCAT is there to review and to make decisions on final appeals of workers' compensation cases. That's how I see what their role is.

**Mrs Witmer:** What's your opinion of the Workers' Compensation Board at the present time?

**Ms Besner:** I don't feel I'm in a position to give you an opinion on their activities.

**Mrs Witmer:** As a representative of the labour community, do you think it's adequately addressing the needs of the employers and employees in the province of Ontario?

**Ms Besner:** Again, I don't feel that I'm in a position to answer that type of question.

**Mrs Witmer:** Do you think that because of the actions of the board you're going to have more or fewer appeals to deal with?

**Ms Besner:** I really don't know at this point. With my activity being with WCAT right now—it's really in the beginning stages. It's hard to comment on a question like that from my point of view.

**Mrs Witmer:** And you're bilingual, are you?

**Ms Besner:** That's correct.

**Mrs Witmer:** Now, was that part of the reason then that you were selected for this position as well?

**Ms Besner:** I understood that WCAT was looking for a part-time member and they were requesting somebody bilingual, maybe to have more flexibility in who they could use to hear some of the French cases.

**Mrs Witmer:** What have you been doing? You've been with the Workers' Health and Safety Centre?

**Ms Besner:** Yes.

**Mrs Witmer:** What has your work primarily involved?

**Ms Besner:** My work at the Workers' Health and Safety Centre is as a regional representative. Basically, my assignment is to coordinate health and safety training programs in the Ottawa region, working with employers and sponsoring organizations.

**Mrs Witmer:** And have you had a good working relationship with the employer community?



**Ms Besner:** Yes. Specifically now with the legislation, the requirement for certification training under Bill 208, we've had to deal quite a lot with employers and it has worked quite well.

**Mrs Witmer:** So you haven't found any of them reluctant to embark on the training course?

**Ms Besner:** No. The Workers' Health and Safety Centre is an organization that provides education and research to all workers. It's not biased one way or the other.

**Ms Margaret H. Harrington (Niagara Falls):** Thank you for driving down all the way from Ottawa in this type of weather. My first question was with regard to being able to do hearings both in French and in English. Are you able to fully participate in a hearing in French?

**Ms Besner:** Yes. Actually, my first language is French. I come from Cornwall—as Mr Cleary can attest to, the bilingual community of Cornwall. I was born and raised in Cornwall and I always went to school in French and, as well, a completely French high school. It wasn't a French immersion program or anything; French is my parents' first language.

**Ms Harrington:** I was going to ask you, as we do ask a lot of our candidates, with the appointment that they are embarking on, whether they would like to see some changes over the course of their tenure. But I'm not sure yours is a policy role; it's more the carrying out of a function rather than being involved in changing the organization.

**Ms Besner:** Right, yes.

**Ms Harrington:** But I guess I could ask the question and see what you have to say. Would you want to make any changes to the organization as it functions?

**Ms Besner:** I find it really hard to comment on that type of question because again I don't feel that I'm in a position right now. I've just been asked to be a panel member representing workers on this tribunal and it's very much for me in the beginning stage. It's hard to comment on changes right now, until I really get into it. Maybe I can comment on that later on, but not at this point in time.

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**Ms Harrington:** I am aware that there have been some long waiting periods for decisions. Certainly we would like to facilitate this organization to make people happy, make things go more smoothly. I'm not sure that yours is a policy role, but hopefully you'll get into the organization, and obviously I hope that you will improve things. I just wonder if my colleagues have any comments.

**The Acting Chair:** Does any other government member wish to participate? If not, we'll move on to Mr Crozier.

**Mr Crozier:** Ms Besner, welcome. I want to follow up on the question regarding your appointment to this position because of your ability to be bilingual. Are you aware of how the tribunal operates in that? Will you be the only French-speaking person on a particular tribunal or will you be one of the total number who will be bilingual?

**Ms Besner:** I really never asked that question myself. I don't know.

**Mr Crozier:** It was just a bit unclear. Under "Candidate Search Process" it said they were "in need of a bilingual part-time worker member to conduct hearings in French." So I was curious about whether it was to allow more flexibility or whether you would be the interpreter.

**Ms Besner:** Oh, no. My goodness, I don't think I'm going there as an interpreter, that's for sure. That's not my understanding. I would think that, if it's a French hearing, all parties would be able to understand and converse in the language.

**Mr Crozier:** I would hope so.

It's been pointed out that there has been a recent increase in the number of cases. We were given material that indicates that since 1988 in practically every year there's been an increase in the number of cases, although the number of cases closed over that period does in fact exceed the number of new cases that come on board, so it would look like we're moving towards improvement in that. Do you have any comment about why there may be more cases than there used to be?

**Ms Besner:** I don't know. Maybe it's got to do with the workers' compensation system, how the cases are being handled there, that more cases are going to the tribunal. It's the final appeal stage, so maybe individuals are now more aware that they can go as far as the tribunal. I don't know. Those are just my thoughts.

**Mr Crozier:** That leads me to ask this: In my experience, a workers' compensation case comes into the system and there's adjudication, there are case workers, there are medical reports, reports of various professionals accumulated as this case goes along. In view of all the evidence that's given and the fact that the Workers' Compensation Board has a system in place that is supposed to review these cases and come to some conclusion, you being at this point a non-professional, let's say, how is it that you from your experience will be able to take all this information and draw an unbiased conclusion from it?

**Ms Besner:** I think that I, as anybody else who sits on that panel, should be able to read the material that's before me and try to understand it as much as I can, and if there is something that needs to be cleared up, have a chance to ask questions at the actual hearing and be a representative on the panel that can look at the evidence before it and make a decision based on the actual merit of each individual case.

**Mr Crozier:** You certainly have a wide range of experience and education in the workers' health and safety area. During that experience, have you been exposed to actual cases where medical circumstances surrounded health and safety issues? I'm trying to get at the experience you might have to interpret the information put before you.

**Ms Besner:** I'm in the educational field in terms of bringing health and safety training to the workplace and to workers. Some of our programs actually go into quite some detail, where we've talked about hygiene monitoring, for instance. The centre has worked through a



program of putting the message across to workers that hygiene monitoring—that can be very technical, but it's been put in a way that can be understood by the workers in the different workplaces. If anything is explained clearly enough, and if there's not an understanding of a certain issue, you ask, I think you can get that clarified with whomever is there to represent the party involved in that particular case.

**Mr Crozier:** You've been employed in the Workers' Health and Safety Centre for about five years. Would you categorize the experience you've had and that you've seen in those five years as an improvement in workers' health and safety in Ontario, or a degeneration?

**Ms Besner:** I think we've come a long way, even in just five years. I specifically think, especially with certification training provincially, which has been going on for two years now, that we've seen a big change in the workplace, where both sides are taking training together and they have the same goal and they go back into the workplace and try and make the workplace better. I think certification training has done a lot to improve the situation, and I'm sure we're going to see it through a reduction in accidents and so on.

**Mr Crozier:** Good; that's encouraging. I wish you well. It's not an easy task, I'm sure, that you might have ahead of you. Frankly, I hope you work yourself right out of a job so we don't have these kinds of things any more.

**The Acting Chair:** That concludes the questioning. Thank you for your appearance here today, Ms Besner. Good luck.

1430

## GRANT HURLBURT

Review of intended appointment, selected by government party: Grant Hurlburt, intended appointee as member, Council of the College of Dental Technologists of Ontario.

**The Acting Chair:** The next witness is Grant Hurlburt. Welcome to the committee, Mr Hurlburt.

**Mr Grant Hurlburt:** Thank you.

**The Acting Chair:** Do you have anything you'd like to say at the outset?

**Mr Hurlburt:** I have nothing to say except my appreciation at being appointed.

**The Acting Chair:** Fine. You were selected for review by the government party; Mr Frankford will start the questioning.

**Mr Frankford:** Welcome. We've all been intrigued by your background in your bibliography, but we won't ask about dinosaur brains today, I don't think.

We appreciate having you here as a lay member of a college. It is important, with the legislation, that it has a balance of public and professional members, that we get members of the public who are willing to serve on such bodies. Do you have any special interest in dental technology?

**Mr Hurlburt:** I don't have any special interest in dental technology. Some of my training in palaeontology would help me understand some of it. Palaeontologists work with teeth; they work with anatomy. So do I.

Human skull anatomy especially is something I'm familiar with. I also have done some casting, again as part of my work. So although I am not part of any health profession, I do have some understanding of some of the underlying principles that apply to it.

**Mr Frankford:** Have you been able to find out anything about the college or about any policy matters or practice matters relating to dental technology at the present time?

**Mr Hurlburt:** I haven't been made aware of any issues in particular.

**Mr Frankford:** I guess this is a profession that doesn't deal with patients directly, to any extent.

**Mr Hurlburt:** I feel that the fact that their work could directly affect the health of a patient does mean they belong to be regulated under a health professions act. Their work does potentially affect the health of a patient by affecting perhaps the anatomy of the face, or perhaps there might be some material that might be poisonous to the patient, so they belong under the purview of health regulation.

**Mr Frankford:** I suppose it's early days for the college, and you're not on it, in any case, but is this a field in which there are likely to be complaints from the public about inadequate care or unprofessional conduct?

**Mr Hurlburt:** I have no way of knowing, but of course that is part of the mandate of a committee, to deal with public complaints.

**The Acting Chair:** Is that it, Mr Frankford?

**Mr Frankford:** Yes.

**The Acting Chair:** Any other government member, given that this is your witness? Nothing at all? Mr Curling.

**Mr Curling:** Let me also welcome you to the committee. The dental technologists are usually trained through the community colleges. They specifically talk about George Brown here and the dental hygienists, and some are trained at Seneca and other colleges. They go through, I presume, quite a rigid apprenticeship program of four years afterwards before they are able to apply for their registration. Do you feel the process is quite a long process for a dental technologist? In other words, you go through a community college for three years, you go through a four-year experience before you're a dental technologist, registered. Do you feel it's an extensive time for being approved?

**Mr Hurlburt:** That's an interesting point. I don't feel I have enough experience to comment on that at the moment, but from the outset, a four-year apprenticeship following three years does seem a fairly long time. On the other hand, they do have to learn quite a variety of techniques to deal with different materials. Both tooth and facial anatomy are quite complicated; not only is it complicated, but there is also growth in the face. An error could be quite costly for the person who had their face negatively affected by the consequences of an ill-fitting dental prosthesis.

**Mr Curling:** Are you familiar with the regulations that govern the dental technologists?



**Mr Hurlburt:** I wouldn't say I'm completely familiar. That's going to be part of my job as an appointment.

**Mr Curling:** You're not familiar, then?

**Mr Hurlburt:** Not entirely, no. I haven't started to work as a member of this committee yet.

**Mr Curling:** I know you explained to us what your interest in this is. You don't know anything about the regulations that govern the dental technologists, but your interest stemmed from what? Could you explain that to me again? Why would you want to serve on this?

**Mr Hurlburt:** I didn't actually say I knew nothing about it, but I did say I wasn't entirely familiar with it. I would like to serve on a board; dental technology fell into an area in which I had some interest. I have looked at the regulations, I have glanced over them; I have a reasonable understanding of what their purpose is.

**Mr Curling:** Do you feel that individuals who are not trained in Canada or in Ontario should be accepted as dental technologists?

**Mr Hurlburt:** As I say, I haven't worked as a board member yet. I think that's an important point. However, I think it's important that the standards to which these individuals have been held in their own country should be taken into account. Generally speaking, within health professions, at the very least people who come in from another country should have to write fairly rigorous exams. That should be, at the very least, a criterion. But again, I'm not entirely familiar with the field yet.

**Mr Curling:** Would you be receptive to, as you said, rigid exams or having to go through rigid formats in order to be a dental technologist? Would you be receptive to a system set up, that is, a fair way of writing an exam, to be a dental technologist and not going through a very long process?

The reason I am asking you this is that there are many people who are invited to this country, encouraged to come to this country, who have foreign credentials, who upon arriving here, just to be certified or to be accepted, either wait a very long period or are unable to write these registrations to be qualified. I notice you used the words, "They should go through a very rigid process." Do you feel a fair system should be set up, efficient and effective enough that they can be qualified very efficiently and quickly?

**Mr Hurlburt:** That's a rather complicated issue and a complicated question, and to give a full answer to that I'd like to feel a lot more assured about the particular issue. In certain respects, I would like to decline to answer that, apart from to say that of course I feel it should be fair; I think the interests of Canadians should be met.

**Mr Curling:** I didn't hear the last part.

**Mr Hurlburt:** I think the interests of Canadians, the interests of their health, should be met. Certainly, the interests of incoming professionals to a certain extent should be met as well, but I would say that people should adhere to the standards of this country. It's a very difficult issue, of course. It varies not only from country to country, but it would vary from profession to profession.

**Mr Curling:** Of course, Ontario and all the provinces have their standards. I'm not saying they should not meet their standards. I am saying that to have access to proper registration sometimes is dragged out and confusing and frustrating. Nurses go through that, doctors go through that, lawyers go through that. All these registered professions seem to be frustrated by the system. Sitting on a board like this, since you will be approved, if such registration comes about, would you see that a fair, efficient system be in place so that those who would like certification be treated in that manner? It's a very simple question.

**Mr Hurlburt:** Well, it's not a simple issue. I think everybody's interested in being fair. But it does, unfortunately, happen frequently, when people have to meet regulations and design regulations, that it can often seem confusing and dragged out. It's frequently the nature of government, of bureaucracies, of many situations. You cannot, I think, say any particular system is completely fair or completely unfair. Like anyone else, I'd want to do the best job possible.

**Mrs Witmer:** Thank you very much, Mr Hurlburt, for being here and for demonstrating an interest in this particular position. I would concur with you: I don't believe that's a very simple question that can be given a simple answer. It's a very serious issue, and I think the provincial government and the different boards need to take a look at how we can cope with those who come from other countries who are qualified, to somehow facilitate their becoming competent and qualified in our own country. They certainly do have different levels of expertise and experience, so you can't answer it in one or two sentences.

The College of Dental Technologists has a role to play at present. What do you see your job being? How can you help the other individuals, and how would you promote what's presently going on?

**Mr Hurlburt:** I have been appointed as a member of the public. I am a member of the public, so as far as that goes, I would certainly be representative of the public. As I have said, I do have some familiarity with dental and skull anatomy. The requirements of committee members are laid out in the act, and I would of course do my best to fulfil the requirements of the act which meet the interests of both dental technologists and the public.

**Mrs Witmer:** So there's nothing more that you would hope to accomplish during your tenure?

**Mr Hurlburt:** I wouldn't say I've any axe to grind at all, or any great ambitions. I would like to gain experience in this field. I would like to aid in the efficient regulation of health professions. Dental technology meets some of my time limitations. Of course, I would have to become much more involved in my work before I can make a better answer than that, but I'm being hired to perform certain functions and I will try to do that to the best of my ability.

**Mrs Witmer:** I would like to wish you well. I think you've got some good background experience that does put you in a position where you can deal with the issue of dental technology in this province, and I feel confident you will do a good job.



**Mr Hurlburt:** Thank you.

**Mr Frankford:** Mr Chair, could I ask a question which might be directed to the researcher?

**The Acting Chair:** Go ahead.

**Mr Frankford:** It sounds to me, leaving aside the question of foreign qualifications, that there isn't the possibility of interprovincial recognition of qualifications. Is that the case? I would also wonder, does that stand up to charter challenges and things like that?

**Mr David Pond:** Do you want me to look that up for you, sir, on behalf of the committee?

**Mr Frankford:** Yes, if you have time.

**Mr Pond:** Sure. No problem.

**The Acting Chair:** Mr Hurlburt, thank you for appearing today. That concludes the questions, and we wish you well.

Our next witness is Michael George Somers. I gather he has not yet arrived, so I'm going to declare a 15-minute recess.

**Mr Curling:** Before we do that, Mr Chair, the clerk will tell you that we had a list of people who have declined, a list of declines.

**The Acting Chair:** I'm not sure what you're talking about, Mr Curling. Are you talking about a subcommittee?

**Mr Curling:** It really is for the subcommittee, yes, a simple thing.

**The Acting Chair:** Why don't we recess and have a subcommittee meeting during the recess? How does that sound? We'll recess for 15 minutes and the committee can return at 3 pm sharp. All right? Fine.

*The committee recessed from 1444 to 1459.*

MICHAEL GEORGE SOMERS

Review of intended appointment, selected by third party: Michael George Somers, intended appointee as member, Criminal Injuries Compensation Board.

**The Acting Chair:** Our next witness has now arrived, Mr Michael George Somers. Mr Somers, welcome to the committee.

**Mr Michael George Somers:** Thank you very much.

**The Acting Chair:** Mr Somers, this is a half-hour review, with 10 minutes allocated to each party. Do you wish to make any brief opening comment or shall we get right into the questions?

**Mr Somers:** No, I don't, other than an update on my résumé. I am a professor at Osgoode but I am also a sessional lecturer at Ryerson Polytechnic University, and that was not included in the résumé.

**Mrs Witmer:** Welcome, Mr Somers. I guess the first question is, why are you interested in this position and how did you become aware of the fact that there was a position available on the board?

**Mr Somers:** First let me answer why I'm interested in the board. Being a lawyer, I'm very interested in the compensation of victims regarding criminal crimes, and I'm also interested in participating in society by using my skills to the betterment of society. I've always been concerned that in some instances victims are sort of

forgotten in the criminal process, and I thought this would be a very good vehicle to participate and also to appease some of my interest.

I'm not sure if I found out that there was a vacant position until someone phoned me. I phoned up the appointments office and put in my name, saying that I'm interested in this board because I knew of it. But when I applied, I did not know of any vacancies.

**Mrs Witmer:** I appreciate that and I think certainly many of us sitting around the tables in this room would concur that oftentimes victims in this province have been neglected. I think there is a desire by many people to make some changes in that process, and that would lead me to my next question.

As a member of the Criminal Injuries Compensation Board, what changes do you feel you would like to make? Are there areas that you'd like to review? If you can't necessarily make changes, are there some issues that you believe you'd like to take a look at to determine if you can assist in making changes?

**Mr Somers:** My first response is, I would think government will be changing the legislation. But if you ask me from a citizen's point of view, looking over the legislation, as I have, in detail, I thought one possibility may be the change in the limitation period, since after one year applicants are not allowed to come to the board unless they apply for an extension.

That might be one area of interest, because in some instances, sexual assault for instance, I can see that that limitation is going to be passed, and in many other instances—I know the board will give extensions, particularly in sexual assaults, but it would be good to have it in the legislation, particularly since Manitoba, for instance, has two years.

Again, this is a government matter of whether the compensation is enough. We know from I think it's section 19 that there are limitations, for instance, \$1,000 per month.

**Mrs Witmer:** That's right.

**Mr Somers:** And also a lump sum of \$2,500. Is that enough? I mean, I can't answer that. That's more the legislation.

**Mrs Witmer:** The lump sum is actually \$25,000.

**Mr Somers:** That's what I meant. I'm sorry.

**Mrs Witmer:** Okay, just to correct the record.

There was an advisory board on victims' issues that was set up in November 1990, and one of its recommendations was that the limitation period should be extended from one to two years, so obviously that's an issue that is being looked at. The compensation payments are being examined as well, so I guess you will have an opportunity to be involved in the discussion of both those issues in which you've indicated you have a personal interest.

Another area that certainly is causing some concern and interest is the publication ban on the proceedings of the board, and I guess particularly at the present time as we focus on the highly publicized cases of the teenagers Kristen French and Leslie Mahaffy. We know the board held in camera hearings regarding those two cases.



Some people are concerned that publication bans are becoming routine and they argue that that violates the right of taxpayers to know how their tax dollars are being spent. What opinion do you have on that particular issue of publication bans on proceedings of the board?

**Mr Somers:** To a certain extent I can understand those comments because the foundation, the cornerstone, of any judicial system is that it is open to camera, that the public knows what's happening. Nevertheless, it's a balancing act, and the act, and I think rightly so, has provisions in which if it's prejudicial to the victim, that information not be given, that that be held in camera. I think that makes common sense.

Furthermore, in this administrative tribunal, if a trial is in the near future, it would seem that some of the comments and the decision of this board would have implications, detrimental implications to the offender for instance. So it makes sense that some areas, some issues, are held in camera.

It's a balancing act, and I think it cannot be abused. If it were, I would certainly concur with the comment that you made. However, in this particular board I don't see that happening.

**Mrs Witmer:** Part of the problem with the board and the limitation period is the fact that there are many individuals who are the victims of crime who really don't have an awareness of the board. My question to you would be, how can you raise awareness in the province to make individuals aware of the fact that this is available to them? Do you see that as a concern?

**Mr Somers:** I definitely see it as a concern. There are many ways of addressing it: through the members for instance, part-time members and also full-time employees of the board, speaking at certain events, particularly community events.

Also regarding that issue of the public knowing, I'm particularly concerned about certain minority communities. If any community doesn't know of this board—and I can think of many minority communities that do not—I think we should have an outreach to them; also by having board members from different communities in our society, and when people come to the tribunal and see somebody they can understand a little bit, those individuals will go out themselves and talk in the community.

I think a public relations effort is needed. I would enjoy participating in such an activity.

**Mrs Witmer:** Yes, it appears that it's absolutely necessary, and I think you've identified a few of the problems. Some of the cultural and linguistic groups in our province simply are not aware of the fact that the board is there, available to provide them with some form of compensation.

**Mr Marchese:** The question I was going to ask of Mr Somers was somewhat similar. You literally answered it. I had raised this concern to another member who had come before this committee a year or so ago, and it was my suspicion that within the ethnoracial communities they weren't aware of this program and no one was making them aware of how they might approach or apply for support through this board. This is one of the recom-

mendations that has been made by this advisory board in fact: to do some outreach programs which reflect cultural and linguistic differences of the province.

My concern then is that if we just do a brochure, that would be inadequate. That's my sense, because not every group within the society is a literate group and is simply waiting for a brochure to read or might go somewhere and simply pick it up. It just doesn't happen that way for many communities, so we have to do some outreach beyond the written form.

I think you're very sensitive to these things, obviously, and I suspect you would agree that we have to do something beyond just the written brochure to reach some of these other communities.

**Mr Somers:** Absolutely. My original response just wasn't to a written brochure. I think what's really important is picking out certain cultural activities and going and speaking. Also, I know there is a limitation on funds, but even on maybe cable TV, or certain advertisements can be done that don't cost too much. But I think a certain amount of originality is needed here.

**Mr Marchese:** I agree. No, I wasn't saying you were saying that. I was just thinking of how we react sometimes to governments. If people say they need information, we'll produce a brochure. Channel 47, for example, broadcasts in many different languages, and we know that within the Chinese community 80% of the population watch that program, 60% or 70% of the Portuguese population watch that program and 40% or 50% of the Italian community watch that. So we have to find different mediums to communicate. I want to thank you for coming and wish you the best, but I know others have questions as well.

1510

**Mr Frankford:** It seems to me that the assessment of pain and suffering is at the heart of the work that you'll be doing, and I wonder if you could comment on that from both a practical and an academic perspective.

**Mr Somers:** As you mention, most of the decisions, most of the compensation that is given focuses on pain and suffering. It's on a balance of probability that we give compensation and if the documentation's there, according to the act, we should give compensation for that.

As I've mentioned before, whether that compensation is adequate or not is a question for the legislation. For instance, for disability, which isn't pain and suffering, but that's just an example, it's \$50 a day minus other benefits. From a legal point of view and an academic point of view, when we talk about pain and suffering, what I'm mostly focusing on is a compensation equal to that. I think the act itself is very specific that the board members can take in relevant factors. I wouldn't be here if I wasn't sensitive to the victim, and I think the act is clearly written regarding how we react to pain and suffering.

**Mr Frankford:** So a lot of the work would be assessing written reports rather than interviewing the victims. Is that right?

**Mr Somers:** Many of the decisions under this act are



done by documents, and of course the evidence will be solely based on that. In oral evidence, witnesses are asked to give their evidence and the board wants to focus to that and be very informed so they can express themselves. Nevertheless, the decision whether to give compensation or not is greatly based on the documents, the evidence. I'm not sure if I'm answering your question.

**Mr Frankford:** Fine, yes. Thank you.

**Ms Harrington:** We are all very concerned, I think, across this province about victims in our society, as I sense you are. My question is, what changes would you make to this particular body, if you could, to try to improve our society and how this body functions?

**Mr Somers:** That's a good question. The first thing I would do is I would ensure that the board and the legislation are very informal, very inclusive in that they're there to listen to the victim. I think one of the big faults of the system is that people aren't being listened to; that's just one aspect, of course. They want compensation. The state is looking after the prevention of criminal activities and it seems part and parcel of that is compensation. You're asking me what I would do regarding the response to victims. I guess I would have to say that, if it is at all possible, they be given more compensation.

**Ms Harrington:** Recently the Attorney General announced that a surcharge on certain fines, I believe it is, is going to go to this program.

**Mr Somers:** Right.

**Ms Harrington:** Are you in favour of that?

**Mr Somers:** Yes, I think I would be in favour of it. I think it's something like 15% would go into a special fund. Was that what the minister was talking about?

**Ms Harrington:** It doesn't just fund the compensation board. There are other programs it is intended to fund, in my understanding, but obviously you're saying that you would like to have more money available for this program.

**Mr Somers:** Certainly.

**Ms Harrington:** Thank you very much. I appreciate your willingness to get in there and do a job.

**Mr Cleary:** Welcome to the committee. I guess two of the three questions I had have already been answered on the awareness part of it and the publication ban. The other thing that we hear quite a bit about in our offices is the backlog that you have in the decision-making. Would you make a comment on that?

**Mr Somers:** Yes. It's my understanding that it's a year, a year and a half for a case to be heard. One resolution of that would be to hire more part-time members. More realistically, I think we could look at making decisions based on documentary evidence if the applicant is willing to consent to that, and also the offender. I think that's a way of speeding up the process and also not costing us much money. We could have more sittings is another response. I think those three avenues would be the best in getting rid of the backlog.

**Mr Cleary:** How many are on the committee now? Do you know that?

**Mr Somers:** I think 11 members are on.

**Mr Cleary:** It hasn't been cut recently?

**Mr Somers:** I don't think so. I think it has actually been increased.

**Mr Cleary:** Those were my questions. I know that's a big concern to us, the backlog. We may take a bit of abuse on that, you know, waiting for the hearings, but anyway I just wanted to get that on the record. Good luck.

**The Chair:** There are no further questions, so I'd like to thank you very much, Mr Somers, for your appearance before the committee today.

**Mr Somers:** Thank you, and thank you for the opportunity.

**The Chair:** We are at this point about 15 minutes ahead and the clerk has just gone outside to see if our next person is here.

**Mr Runciman:** Madam Chair, I just want to interject that during your absence and when we had a brief break earlier, we reviewed the list of people who'd been invited to appear before the committee and for a variety of reasons were unable to be in attendance.

The indication from the Conservative Party was that it was no longer going to request the appearance of Maureen Ruffolo or Wendy Hoy, but Mr Curling indicated a desire on behalf of the official opposition that we ask Peter Engelmann and Gordon Wilson if it's possible to appear before the committee for review in March.

**The Chair:** Could we agree that we might just deal with this now so we don't have to deal with it at the end of the afternoon?

**Ms Harrington:** A very reasonable request.

**The Chair:** All right, thank you. Following on, thank you for reporting that, Mr Runciman. We have confirmed that apparently Mr Wilson is available in March. He is out of town from February 9 to March 2, so he would be here for our review on March 15 and 16. That would address Mr Wilson. Mr Engelmann would be March as well, wouldn't he? He's available on the 15th.

What we will do then is give this request of the official opposition party back to the appointments secretariat and we will, with their concurrence, schedule those two interviews for the March selection meeting.

**Ms Harrington:** Agreed.

**The Chair:** Agreed. Thank you very much.

Do you wish just to sit tight or would you like to recess? I think we're okay.

1520

PENNY MILTON

Review of intended appointment, selected by third party: Penny Milton, intended appointee as member, Council of the College of Physicians and Surgeons of Ontario.

**The Chair:** We would like to welcome Ms Milton to the committee. Would you like to come forward and have a seat and be comfortable. We appreciate you being early because we're ahead of schedule. Ms Witmer, would you like to start?

**Mrs Witmer:** I will. I'm really confused now. I



thought at first the name here was wrong, Penny Milton, because I saw Penny Moss and I'm familiar with Penny Moss but not Penny Milton. I guess there's been a change in your status, Penny.

**Ms Penny Milton:** Not in my status, just my name.

**Mrs Witmer:** Anyway, it's good to see you. I see you once again have indicated your willingness to assume responsibility, this time on the Council of the College of Physicians and Surgeons. My question to you would be, and I think it's more for the record because I certainly know of your vast experience in many areas, why do you feel an interest in this particular position and what expertise and qualifications do you feel you can bring to the board?

**Ms Milton:** Thank you very much. I think it's been clear that probably for the whole of my adult life in Canada I've been particularly passionate about the public interest in everything I've done. I've had a number of opportunities to contribute, such as the Ontario Council of Regents. You, Elizabeth, know the school system experience and suchlike. My interest in the health care field began quite a while ago, initially with school health and then public health issues and then through the work of the Premier's Council.

It seems to me that this particular selection offers me the opportunity not just to contribute to something that I think is really, really important to the wellbeing of people in Ontario but importantly brings together that public health and health policy experience, but at the same time interestingly draws on some of the employee-employer judicial kinds of experiences I've had in labour relations and various other justice issues.

**Mrs Witmer:** Is there an area here, any particular issues, that you feel you would like to become involved in, make any changes to the council, the operation of the council?

**Ms Milton:** There is a general one. I obviously haven't been with the council yet so I'd be reluctant to say that it's really relevant, but I've been particularly interested in helping organizations actually understand what kinds of processes they have to use if they're really going to reflect public interest and are going to be known to the public. Some of those are education, some of them are communication, but some of them are just the ways they work.

For example, not here but in other experiences, I've seen a reluctance of institutions that have been around for a long time to make public participation really straightforward, such as when they meet, how they meet, where they meet, those kinds of things, the procedural and practice areas for the institution itself.

In terms of their specific mandates, I'm very interested in the question of standards in certification. Again, that's a broad theme in my experience. I am very much interested in the responsibilities for the quality of practice and in fact the discipline as well, but I haven't narrowed a specific achievement that I would be after.

**Mrs Witmer:** I wish you well, Penny. I know that, as in the other responsibilities that you've assumed, you will do an outstanding job and I know that you carefully

research the issues and then bring the expertise to the table. So I wish you well.

**Ms Milton:** Thanks very much.

**Mr Frankford:** Just following up on your comment about your interest in quality of practice, how do you feel about the college as the mechanism for doing that? Do you think that it's able to do it? Do you think it needs other mechanisms or do you think it's something which should be done from some other quarter?

**Ms Milton:** I think it's able to do it. I want to emphasize that I'm not really yet qualified to talk in detail about the college itself. I am somebody with a very clear commitment to self-governance for the professions. I think it is a very important vehicle in and of itself for high quality of practice. I think really there's still more work to be done and I understand that the college is serious about the work it's doing in terms of quality assurance programs and approaches—peer monitoring, for example, peer reporting, requirements for improvement. I think they're all sound directions.

**Mr Frankford:** Don't you think that there are some limitations in doing that in the way that we have predominantly set up the medical system right now? We're dealing with people who are mostly individual entrepreneurs. The college, I know, goes in and can review files, but that's a rather indirect indicator of what's going on most of the time.

**Ms Milton:** Yes, probably. If we were doing it all over again, we may not have created the kind of organizations and systems we have. But we're not doing it all over again. I think there are significant areas of endeavour. I now work primarily with the private sector. I'm amazed by what I'm learning about how they do and don't do things. There are all kinds of mythologies about.

I still believe, though, that quality assurance within the profession itself is likely to be more effective than simple external inspection alone. It's always too random; it takes too many resources if you're really going to do it well. So I think there's a combination of having the right approaches, but at the same time, being a college, there is a level of—how shall I call it?—not collegiality as much as at least doctors who have been reviewed know that their reviewers are their peers. I think that's something that all professions value highly.

I will be looking for the opportunities to improve the approaches, the scope, because I really do believe that a complaints mechanism by itself is insufficient to assure the public of the required quality.

**Mr Frankford:** It's not really much of an outcome indicator, is it?

**Ms Milton:** No, no. I've yet to actually meet a doctor, or a lawyer, for that matter, who actually engages in the kind of measures of client satisfaction that I'm familiar with. It might be interesting if they did in terms of actually getting a clear understanding of what patients experience as the practice at the hands of doctors.

**Mr Frankford:** Maybe you should have a study trip to the UK, where I think a lot of interesting things are going on. I think there is much more recognition that it's a public system there. The criticism here of course is that



we have a private system publicly funded, and I don't know if that's sustainable.

**Ms Milton:** It's a long time since I experienced health care in Britain, but it would have to be significantly improved before I'd be willing to make judgements about—

**Mr Frankford:** But there are all sorts of regional review bodies.

**Ms Milton:** Yes.

**Mr Frankford:** Perhaps if I can get on to it, the college in some ways was responsible for health policy, but yes and no. It's not the main vehicle for it, I think it's fair to say.

**Ms Milton:** No. It can be an influencer but it's not the creator of public health care policy.

1530

**Mr Marchese:** Penny, one of the things the college attempts to do, it says, is to "ensure that the public is informed of the college's services; consult with organizations and groups involved in health care and respond in a timely fashion...ensure that the college is accessible and fair to all members...and ensure that the work of the college is publicly visible." That's what it's supposed to do. I'm not sure how well they're doing that job. Are you aware of how well they're doing that job?

**Ms Milton:** Not at the moment. As a layperson, my prior knowledge of the College of Physicians and Surgeons was as an institution. I had no knowledge of even its governance structure. My knowledge comes from being a pretty regular reader of newspapers and magazines. I don't believe that media stories, for example, are the only way or necessarily a fulsome way of people having access to the knowledge they need.

I don't know what other mechanisms, frankly, at the moment the council uses. I would be hoping to contribute some ideas. I think people need information at certain times, when it's most useful to them; I think doctors themselves, maybe, and their offices and public health and libraries and such. I just don't know what role those other vehicles for dissemination of information are playing at the moment.

**Mr Marchese:** Right. My sense is that they tend to communicate information through brochures, the written form. I asked the same question of another previous applicant here, person. When we do that, we're excluding a great deal of the population that obviously doesn't read or can't read. So it seems to me we have to find other ways to reach people if we really are sincere about reaching them, and it's got to be beyond the written media.

**Ms Milton:** I think it's fair to say that print vehicles for information actually don't guarantee information at all; they only give a provided access to it. As I say, it's communication that we're talking about.

I think that you would know from other things we have done together at some times the efforts that you need to go to to help people understand things that they want to understand. There's a long way to go. I'm interested, actually, in some of the new technology solutions in those areas.

**Mr Marchese:** Thank you, Madam Chair. I wish her luck.

**Mr Crozier:** Welcome. I certainly am impressed by your background, and I think that you will be an asset to this position and board. But I do have a question, and it perhaps is as much a personal one, as perhaps a general member of the public who's interested. To pick up on some of the aims and objectives of the College of Physicians and Surgeons as well as the legislation under which it operates, and I believe it's the Regulated Health Professions Act, one of the items it does say is "to develop, establish and maintain standards of knowledge and skill and programs to promote continuing competence among the members." It goes on in another area to say that to fulfil the goals "the college endeavours to...monitor the quality of medical practice through programs such as peer assessment."

With 20,000 physicians and surgeons in the province of Ontario, I wonder about the logistics of doing that, considering that each of us at one time or another perhaps puts our life in the hands of an individual whom we trust with our health care. Do you see this as a practical goal that can be achieved, to be sure that we have this level of competency?

**Ms Milton:** I think that as a goal it's absolutely necessary; in practice, I think you're right, it's probably complicated, difficult, expensive and time-consuming. I'm talking only from general or other spheres, and I don't want you to think that I know too much about the college at the moment, but most of those 20,000 doctors, or many of them, probably don't work in isolation. While their relationships with their patients may be one on one, many of them are in group practices. Many of them are in family practice settings. Many of them have access to hospitals. I think there are other vehicles that are not just how the college deals with 20,000 doctors.

I think the other question is, do those detailed assessments need to be done every year? What do we know about the appropriate time frames in which practice improves or deteriorates, or what do we need to know about how doctors keep in touch with developments in their field? I'd like to recognize that the issue is serious and difficult and then think about what I know about performance measurements and evaluations in other sectors to see what might be applicable and what isn't.

**Mr Crozier:** Do you have any comment as to whether physicians and surgeons, medical practitioners, should have mandatory career—I'm thinking of the term in education where the teachers meet for the day. Career updates—

**Ms Milton:** Development days.

**Mr Crozier:** —let's put it that way. Do you feel that should be mandatory in any way?

**Ms Milton:** I don't know whether by mandatory it should be legislated. What's the expression? You can take a horse to water but you can't make him drink. Our experience in a number of other sectors is that you can require all you like that people take ongoing training, but unless they themselves are motivated to do it, it doesn't actually accomplish very much. What we need to look for



is how do you measure, how do you know that the right outcomes are achieved? How do you know that practice meets current standards, is up to date and all the rest of it, and what do you do when you find it isn't?

I think that as a member of the public and very, very occasionally a patient, I'd be appalled to think that the people providing medical services to me might not be current.

I think one has to keep that high level of expectation, that it is a professional obligation on the part of every doctor who's certified and paid in Ontario not to actually—to put the onus on the individual as distinct from always assuming that the system itself should be responsible for enforcing the appropriate expectations. That's the kind of approach I bring to these issues.

**Mr Crozier:** And I agree it does not necessarily need to be legislated but certainly in a self-regulatory body. In fact, I would prefer that, but the mere fact that it be done and to work towards that objective, I agree with.

**Ms Milton:** There may be ways of requiring, for example—again, I don't know if it's there already, so I feel really tentative—that doctors demonstrate their annual programs for ongoing development. I require that of my employees now in my company. They're all required to have annual performance development or personal development plans.

**Mr Crozier:** I wish you well, and thank you.

**Mr Cleary:** Welcome to the committee. I have a question that I was debating whether to bring up here or not, but I have some of my constituents who have been living by getting chelation therapy treatment. I don't know whether it's an acid or what they do. They pump it through your system to clean out your arteries. They've been really on to me. Anyway, the answer that they get back is that it's the College of Physicians and Surgeons that will not allow this to happen here in Ontario. They are going out of the boundaries of Ontario to get that treatment, mostly to the United States.

**Ms Milton:** I'm sorry. I can't comment because I don't know the issue at all and certainly don't—

**Mr Cleary:** No, I know it wasn't fair to ask you that, but it's something that—

**Ms Milton:** Is of concern to people.

**Mr Cleary:** It is a big concern and I know that some of my constituents, a couple of them, have been sent home. There was nothing they could do when they were on the operating table and they went down to the States and they've been getting this treatment since 1982 or 1983 and they're still going strong. But it's illegal here in Ontario. Those were my comments.

**The Chair:** Thank you very much, Ms Milton, for your appearance before the committee today.

That completes the appointments for today.

**Ms Harrington:** Madam Chair, I'd like to make a motion that this committee concur with the intended appointments that we have reviewed this day.

**The Chair:** Ms Harrington has moved the following appointments, which I would like to read into the record: The first appointment is Judge Robert Walmsley as a member of the Ontario Criminal Code Review Board; Mr Kenneth Holder as a member of the Ontario Realty Corp board of directors; Mr Anthony Carfagnini as chair of the Northern Ontario Development Corp; Mr William Knight as member of the Ontario International Trade Corp; Ms Diane Besner as member of the Workers' Compensation Appeals Tribunal; Mr Grant Hurlburt as member of the Council of the College of Dental Technologists of Ontario; Mr Michael George Somers as member of the Criminal Injuries Compensation Board; and Ms Penny Milton as member of the Council of the College of Physicians and Surgeons of Ontario. That is the motion that is moved by Ms Harrington. Is there any discussion of that motion?

All in favour of those appointments? That motion is carried unanimously.

I would like to thank the committee members for their attendance and cooperation today and we look forward to seeing you tomorrow morning.

*The committee adjourned at 1543.*















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Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- \*Witmer, Elizabeth (Waterloo North/-Nord PC)

*\*In attendance / présents*

### **Substitutions present / Membres remplaçants présents:**

Duignan, Noel (Halton North/-Nord ND) for Ms Carter  
Fletcher, Derek (Guelph ND) for Mr Waters  
Haeck, Christel (St Catharines-Brock ND) for Mr Waters  
Hope, Randy R. (Chatham-Kent ND) for Mr Malkowski  
Marchese, Rosario (Fort York ND) for Ms Gigantes  
Runciman, Robert W. (Leeds-Grenville PC) for Mr McLean

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**Assemblée législative  
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Troisième intersession, 35<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

Thursday 12 January 1995

**Journal  
des débats  
(Hansard)**

Jeudi 12 janvier 1995

**Standing committee on  
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Intended appointments

Subcommittee report

**Comité permanent des  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Thursday 12 January 1995

Jeudi 12 janvier 1995

*The committee met at 1003 in committee room 1.*INTENDED APPOINTMENTS  
ROSALIND RAJANAYAGAM

Review of intended appointment, selected by third party: Rosalind Rajanayagam, intended appointee as member, Council of the College of Dental Hygienists of Ontario.

**The Chair (Mrs Margaret Marland):** Good morning. We are continuing our review of government appointments to government agencies, boards and commissions.

The first person for review this morning is Rosalind Rajanayagam. I don't know how close that was, Rosalind, but if you would like to please come forward and make yourself comfortable, maybe the first thing you can do is correct the Chairman on the pronunciation of your name.

**Mrs Rosalind Rajanayagam:** A number of a's, but if you just look at it—too many a's and you get scared, but Rajanayagam.

**The Chair:** Thank you.

**Mr Noel Duignan (Halton North):** Don't worry about that. They can't get my name right.

**Mrs Rajanayagam:** What is yours?

**The Chair:** I don't think I do a bad job on your name. Actually, I've heard other chairmen do a worse job. Now, Rosario's name I always get right.

This is a selection by the Conservative Party, so we'll start with Ms Witmer.

**Mrs Elizabeth Witmer (Waterloo North):** Welcome here this morning. My first question to you is, how did you become aware of this position and why are you interested?

**Mrs Rajanayagam:** This particular position I was not aware of. I was just interested in serving in an agency and I wrote to the Premier's office, to the agencies office, and then I had a call to ask if I'd be interested in serving on this.

**Mrs Witmer:** So you filled out the form and you didn't specify any agencies specifically.

**Mrs Rajanayagam:** No, I did not fill in any particular agency, just a general—

**Mrs Witmer:** A general interest.

**Mrs Rajanayagam:** Yes.

**Mrs Witmer:** What background, education and related experience do you feel you have that would qualify you to sit on this particular board? I know you are there as a representative of the public and you're not

expected to have any expertise as far as dental hygiene is concerned. Perhaps you could just share with us why you feel you are capable of doing the job.

**Mrs Rajanayagam:** First of all, as a consumer I have been receiving services of dental hygienists for the last 11 years, so I'm aware of what's going on. Then I do a lot of interpreting at the Hospital for Sick Children and that's one way I'm interested in this. A few years ago I did a project for the city of Toronto board of health on the health and social needs of the Tamil community. As part of the project I had occasion to interview 55 key informants, and one of the things that came up again and again was preventive dental hygiene and how the children were lacking in that. So all these things together I think brought in—I was interested. I'm generally interested in anything that concerns me as a member of the public and as a member of the community.

**Mrs Witmer:** Is there anything in particular that you hope to accomplish during your time on the council?

**Mrs Rajanayagam:** I guess making the public feel comfortable that everything is being done by the college to preserve their safety and the competence of the professionals. I haven't read any material yet, but that's what I hope for.

**Mrs Witmer:** What do you think the public perception generally is at the present time of the role of the dental hygienist?

**Mrs Rajanayagam:** I do not think they know too much about the preventive aspect of it. Maybe this way the preventive aspect of it can be emphasized, and treatment, and also working together with the dental hygienist has been stressed. Therefore, those two things I think are going to be a great step forward in this regulatory procedure.

**Mrs Witmer:** I would agree with you that certainly dental hygienists do play a very important role in this province in promoting effective dental hygiene and also the promotion of oral health and wellbeing of the public.

There's been one issue of concern that has arisen during the past few years, and that has to do with the requirement that a dentist impose an order on the dental hygienist that would enable them to work. That's being very loosely interpreted at the present time. Mrs Grier has been reviewing this issue and she has asked for a report back by April 30 of this year, 1995. Are you familiar with that particular issue at all?

**Mrs Rajanayagam:** No, I'm not.

**Mrs Witmer:** I was going to ask you to comment, but obviously that's one of the first issues that you will need



to deal with. As I say, it's been an ongoing concern now for a number of years.

Thank you very much. I wish you well.

**Mr Robert Frankford (Scarborough East):** Good morning and welcome. I've read your résumé with some interest and you really seem to have a very useful background. You've obviously worked with the public in various ways for many years and obviously part of the Tamil community, which we know is a growing community, many of whom reside in Scarborough.

You did this study of public health for the city which you mentioned and which sounds again a very useful sort of thing. You can bring a broad knowledge of public needs to the board, so I think it's a very good appointment and I'm very pleased that you chose to apply.

One question which I think is of considerable concern to the Tamil community is access to trades and professions.

**Mrs Rajanayagam:** Yes.

**Mr Frankford:** I think for all the professional colleges, one of their functions is to review foreign qualifications and to recommend on licensing procedures for people with qualifications outside the province or outside the country. Are you aware that there are people with dental hygienist qualifications coming from other countries, say?

**Mrs Rajanayagam:** I'm sure there are, though I don't know. I can't pinpoint and say how many we have, but I'm sure there are. I know since the access to trades and professions was introduced, I remember two of our Tamil dental surgeons are in practice now and that's a great help to many who do not speak the language. But I'm sure there will be the dental hygienists and this will be a great asset, I think. If it's a self-regulating body, they can look into it and maybe there will be a chance for them to further their qualifications and maybe apply for certification. The assessment is very important, I realize.

**Mr Frankford:** Yes, I quite agree with you, and I think it's very nice that you're aware of those issues already. As was mentioned, dental hygienists I think have a very important role in prevention, and hopefully we're going to see them working as a team with dentists and not in a situation of professional rivalry. I wonder if you have any more thoughts about how we can make sure that the system in relationships of dentistry and dental hygienists works so the consumer benefits and it's not just a turf battle.

**Mrs Rajanayagam:** No, I haven't seen it as a battle, because I have been, I think, visiting the dental surgeon and the dental hygienist for the last 20, 25 years. They seem to work very smoothly. The dental surgeon is there just to oversee. I guess the last five minutes of your visit is when he comes in, but it's tremendous what they do and how much they teach you.

**Ms Margaret H. Harrington (Niagara Falls):** I'd just like to make a brief comment. I'd like to encourage you, as the representative of the public on this board, to take a strong role. In the past, I guess, a lot of these colleges were mainly the professionals who are involved, but I believe now that it is very important for yourself, as

a consumer and as a representative of the public, to take a strong role, and also to ensure that the procedures of the meetings that are used are done in a matter that is satisfactory to you and the public, such things as open meetings.

**Mrs Rajanayagam:** Yes. I think it's a great idea, open meetings.

**Ms Harrington:** So I'll leave that with you.

**The Chair:** The official opposition, Mr Crozier or Mr Offer?

**Mr Steven Offer (Mississauga North):** I believe all the questions that could be asked have been asked.

**The Chair:** All right, you have no further questions by the committee. Thank you for your appearance before the committee this morning, Ms Rajanayagam.

**Mr Daniel Waters (Muskoka-Georgian Bay):** Madam Chair, I don't believe that our next appointments are here for this morning, so maybe we should—

**The Chair:** All right. I'm going to suggest that we recess till 10:30 for the main committee and the subcommittee will have its meeting now and we will reconvene the main committee in 17 minutes, at 10:30.

*The committee recessed from 1015 to 1033.*

PAUL NYKANEN

Review of intended appointment, selected by government party: Paul Nykanen, intended appointee as member, Ontario International Trade Corp.

**The Chair:** Mr Nykanen, would you like to come forward please and make yourself comfortable. Have a seat.

**Mr Frankford:** It's an interesting position you're taking on. Do you have some comment on the government's decision to close the international trade offices?

**Mr Paul Nykanen:** Yes. I think we've all been observing that very closely. In the business I'm in, we're very much involved in international trade, and of course the most cost-effective avenues of being able to get our products overseas and also to set up strategic alliances is a very important consideration.

One of the things we were looking at in terms of the overseas offices was that we felt there was a fair amount of duplication of effort because of the federal government offices that were established in some places, the provincial governments having some and, in some cases, even a pretty aggressive effort by municipalities and so on.

Also, by the same token, there are a lot of parallel operations with the private sector. For instance, as the CMA we have a lot of strategic alliances in key areas such as Japan, Australia, Singapore, Thailand, Malaysia, India, now Mexico, Chile and so on. From our standpoint, we felt that although the closing of the offices would have an impact, there would be alternative ways of being able to handle that.

**Mr Frankford:** Do you have any thoughts about the regions of the world in which we should be concentrating our efforts? Asia seems to be in these days, but there are a lot more countries. Are we all getting sucked along the same path?

**Mr Nykanen:** The markets in east Asia are certainly



a very key consideration, and from the manufacturing standpoint there's a lot of interest in places like China, for instance, and the CMA is getting very actively involved in getting into South America, particularly Chile, and we have operations and alliances in places like Venezuela and so on. We are looking at having, ultimately, a North American free trade agreement, if you will. Certainly the Far East and the North American combined market are some of the key areas right now.

**Mr Frankford:** Seeing what's happening today, would you like to make any brief comments on the Mexican situation and how it's affecting us currently and in the near future?

**Mr Nykanen:** Certainly if we look at what's happening with our interest rates and our Canadian dollar, that's a very serious situation. That's not driven because of the market nor the demand nor any other reason than a situation and uneasiness with regard to currency or investment considerations and so on. It's unfortunate that it's happening and having a ripple effect on the Canadian economy, but by the same token, the market in Mexico is very huge, and ultimately they're going to get over these problems they're into and hopefully we'll get on with business. We look at that as being a good potential market.

**Mr Frankford:** Have we some thought that it's all to do with manufacturing, perhaps the products of big corporations? I would submit that maybe the real need in Mexico is much more grass-roots investment in some very basic development because, for all that we talk about it, it still is, if I may say, a Third World country.

**Mr Nykanen:** Unquestionably. We're all familiar with some of the larger corporations that have established there for their own reasons, but when we look at a country such as Mexico, there's going to be a tremendous demand there for infrastructure—roads, transportation, communications—and then getting on into the normal household consumer items and so on that we'd very much like to supply. I think it's a combination of the two.

Certainly in Canada we're never going to compete with the labour-intensive basket weaving and that sort of thing. That's a given.

**Ms Harrington:** I see by your career profile that you were at one time with Dresser Industries. Is that at all related to the Dresser Industries that was in Niagara Falls?

**Mr Nykanen:** No. Dresser Industries' home base was in Dallas, actually. My responsibilities were the Canadian industrial markets for Dresser Industries. We were physically located in Toronto and had offices across the country.

**Ms Harrington:** Is that an abrasives manufacturer?

**Mr Nykanen:** No, it wasn't. It was industrial machinery and equipment.

**Ms Harrington:** Okay. Yesterday we met another man who is going to be with you on this organization, Mr Bill Knight. Have you ever met him?

**Mr Nykanen:** I have not.

**Ms Harrington:** It'll be interesting for all of you to

be getting together soon. One of the things he mentioned that he felt would be very helpful was providing a database for small companies here in Ontario of what they do so that, I gather, other companies could take advantage of what was being manufactured here in Ontario. Have you had a chance to look at what we call the Ontario Investment Service? That is the database, I believe.

**Mr Nykanen:** I have, and certainly it's a state-of-the-art operation. It's a very valuable asset to be able, anywhere in the world, to electronically access information on what's available in Ontario in terms of infrastructure, skilled labour, facilities and that sort of thing. There has always been a need for that sort of thing, and having it on an electronic network is going to make it a lot more efficient. It's much easier to keep it on an updated basis electronically, rather than to distribute a bunch of hard copy around. From that standpoint, we think it will be kept as a live database and certainly be a very valuable asset.

1040

**Ms Harrington:** My understanding is that it will allow small companies to be known, what they do, what is available, so they can therefore access many more markets.

**Mr Nykanen:** I'm sorry, I didn't understand.

**Ms Harrington:** What they do will be available on database on a much wider scope around the world of people who may be interested in buying.

**Mr Nykanen:** That would be the objective, actually, for them to be able to make other people aware of what their products are. There are a lot of good companies in Ontario that have got very specific products, and one of the challenges is to find the markets for them.

**Ms Harrington:** Right. I believe it was for the Ontario Investment Service that there was a lot in the press a few months ago about the cost of being on the board, having a seat at \$250,000. Some people said this was selling influence. What is your approach or opinion of this way of getting private buy-in to this service?

**Mr Nykanen:** I would like to think that the investment of \$250,000 on to the board would not be a situation where a person would be buying influence. I know the request was made through the general business community. If we take a look at it from a manufacturer's standpoint, I think it's unreasonable to think that companies would be using the service, to invest their money in it, to actually be purchasing a seat on the board. However, it is a costly operation, and there are many types of associations or businesses that have a broad base of operation, such as real estate for instance. I don't really have any problem with them paying part of the cost, because one of the concerns is the cost of government and if you can get private sector contributions towards it, certainly that's the proper way to go. But I emphasize also that it certainly should be well protected against any type of influence.

**Ms Harrington:** So business people certainly believe in reducing the cost of government in this way.

**Mr Nykanen:** Cost reduction is a very, very important



ant consideration. We're very concerned about the deficit and the debt and so on. I think that's our single biggest problem today.

**Mr Rosario Marchese (Fort York):** The province's exports are focused on a few key industries. The automobile is of course a major one; food, electrical, communications products and chemicals are a few others. Auto parts constitute about 50% of all of our international exports. To rely on that seems to me a losing strategy at times, because when that fails we are seriously affected economically, so there's a need to diversify. Do you have suggestions about what things we should be doing as a way of diversifying our international exports?

**Mr Nykanen:** First of all, I'd like to say that we've certainly got to protect the business that we're doing with the United States—

**Mr Marchese:** Oh, absolutely. I agree.

**Mr Nykanen:** —and with the Canadian dollar being where it is right now, that's what's keeping us alive. The domestic market has been extremely flat: Consumer demand has not been there, and the outlook does not look all that great. The opportunity for Canadian businesses right now, Ontario businesses, is to look at niche markets and look at beyond the United States.

To be so heavily dependent upon one country is a very precarious situation to be in. We're very vulnerable to what happens there. For instance, the rising interest rates in the United States are going to slow down the economy, reduce the buying, and that's going to affect people buying cars, which is going to have a ripple effect on us in auto parts and what have you.

It's absolutely essential that we embark on other markets as well. I like the idea of the tremendous emphasis now that is being placed on the Far East and the South American markets and so on. We've just got to diversify, but the thing is, we can't be all things to all people. I think we've got to be able to select those niche markets and go after them aggressively.

**Mr Alvin Curling (Scarborough North):** Mr Nykanen, it's nice to see you again. I know your contribution to this corporation will be quite positive. We also note that in the world it's quite renowned the way Canadians and Ontarians have done business.

I just want to pick up on the diversity, as you've talked about how we must diversify, the matter of not putting all our eggs in one basket. We have always talked about that, that we've done most of our exporting to the United States, and now we're going to Asia and we're going to Latin America.

My observation over the past couple of years is that we have sort of de-emphasized our interest in Africa and the Caribbean. I just wondered if you have any comments on that, that you see the corporation looking at those countries again. I'm not talking about South Africa—South Africa, to me, is a country by itself now, in itself of great interest—but other areas there.

**Mr Nykanen:** I don't think that companies have lost interest in any potential market. It's a matter of an evaluation of the types of businesses we are in, the types of products we are capable of producing. Canada is

traditionally known for being able to compete very effectively, with quality and with timeliness and that sort of thing, and because of that we're focusing more heavily on the higher value added products, which is critical to our wellbeing, rather than a heavily labour-intensive type of product. The heavier emphasis on some of those other countries you mentioned is largely as a result of the short to medium-term potential business and the magnitude of that.

I don't think there's any disinterest as far as any particular country is concerned, but certainly if you had a business and you were looking at what market you were going to attack, you are going to look at those areas where the largest potential and the opportunity to make a profit would be.

**Mr Curling:** And of course we are also very known for some of the less labour-intensive products, things like telecommunications, which we are quite well known for, which can be quite effective in those countries; transportation, for instance, some of the expertise; education, the curriculum products we have, with the community colleges and the universities, that are sold very wide. But I still see that the emphasis is not there, and I see it as quite reciprocal, that if one emphasizes or puts some interest in that area, Africa and also the West Indies, actually it is beneficial for both countries in a very productive way.

Upon becoming a part of this corporation, I just wondered if you could advance some of those points to the corporation, to look at interests in those areas that are so needed in those countries, and in the meantime a great potential for business there. Do you see that there is potential there, less labour-intensive, as you said, but great products we have here that could be sold in those countries?

**Mr Nykanen:** Certainly. You mentioned things like telecommunications equipment and that sort of thing. There's a tremendous demand in places like Africa and Jamaica and so on for that type of product. One of the benefits of having a broad degree of expertise and interest on the board is that it brings to the table a lot of new ideas. Certainly we've got to look at all the possible opportunities, and I would say that would certainly be one of the many, if you will, that we should look at.

I really don't think there is any conscious effort not to try to penetrate the markets. It's a matter of priorities, and you can't be everywhere. I think things like telecommunications and also other types of infrastructure in countries such as that represent tremendous potential for Ontario.

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**Mr Curling:** A problem too we have with countries like those is that when there are no opportunities developing there, what happens is they seek to come to the country that has those developments. Many times immigration has an impact on that. Some people would much rather be in the West Indies, where the opportunities are, and that works in a reciprocal way. But that's another philosophical debate we can get on to another time.

**Mr Offer:** Nice to see you, Mr Nykanen. I think there



is no one around this table, and in fact many outside the room, who is not very much aware of your significant involvement and expertise in a great many areas for which you stand before this committee. One doesn't even have to discuss those things. We are all well aware of your particular capability.

I would like to ask two questions. In your opinion, in this role of the OITC, is there a possibility of fostering the internal growth or creation of companies within the province that are involved in the field of exporting? It's not just dealing with those companies that are now in the field and are moving into the export area, but how can one foster natural growth of companies within the province to get into that field?

**Mr Nykanen:** One of the things of course is education, and that's going to be a very key consideration. One of the big challenges that small to medium-sized companies currently face is a lack of awareness of how to get into these different types of markets, how you do business in those and so on. Properly handled, I would say a good educational program to make companies aware of these opportunities would be very appropriate, tied in also with—again properly handled—people travelling overseas, and maybe the envoy program or something like that would be able to promote the interests of some of these small to medium-sized companies and so on.

But the big thing in getting it off the dime is to make them aware of what is available and how to do it, and that's a focus that I think the private sector has been doing quite aggressively. My association itself has been very active in how to do business in China and that sort of thing. I wouldn't say small companies, but a lot of the medium-sized companies are very interested in getting that type of information.

**Mr Offer:** Is there a role for maybe a greater cooperation in these types of works between the province and municipalities in a variety of areas, indicating what it is they're involved in and the type of atmosphere that exists in the province?

**Mr Nykanen:** I really think there's a lot of improvement for having a cooperative arrangement with various municipalities. All the key areas have economic development departments and so on, and I think we have to be more definite about changing how we work with them. In other words, let's not compete with them on a municipal, provincial and federal level but let's see how we can work together, because I don't think the money is around right now to duplicate any of that effort.

Certainly, I think dealing with some of these municipal groups is very effective. I personally have been very much involved with a number of communities that have hosted foreign delegations coming in and making local companies aware of the interests there and promoting that sort of thing, and if that is done on a cooperative basis I think that's excellent. Those instances I'm referring to have had a pretty good flavour of that sort of cooperation.

**Mr Robert W. Runciman (Leeds-Grenville):** Congratulations on your appointment. I'm a little curious about how the process worked with you. Was the CMA asked to nominate an individual, or were you approached

personally by the government to take on this responsibility?

**Mr Nykanen:** We have been working over the years on a regular basis with the Ministry of Economic Development and Trade. Of course, trade promotion and investment attraction is a very high priority with us, as I mentioned earlier, so we have had a continuing lengthy involvement and liaison with the government, trying to help our member companies get established and so on. I'm not exactly sure when the timing came, but to answer your question, CMA was not asked to put forward the name of a person. I was approached by the ministry, probably because I've had the most direct involvement in this area.

**Mr Runciman:** By whom in the ministry?

**Mr Nykanen:** I was approached by Mr Len Crispino in the Ministry of Economic Development and Trade.

**Mr Runciman:** Have you ever spoken to the Premier about this role?

**Mr Nykanen:** No, I have not.

**Mr Runciman:** When you decided to accept, was there an indication of what's expected of you in this role?

**Mr Nykanen:** I suppose I developed my own expectations as to what is really expected. We have a very strong interest in having private sector input into any of the government initiatives wherever we can possibly do that, so I had some very definite ideas myself as to the type of input I could provide to the corporation to promote these interests and so on.

Having been involved in the trade business for quite some period of time and involved with the ministry on a number of these initiatives, I have a pretty good feel for what is required. But I have not been presented with a job description that says, "This is what the expectations are." I think that I have been asked, actually, because of the expertise that I bring to the table.

**Mr Runciman:** Is there any indication of time commitment that would be expected from you?

**Mr Nykanen:** The only indication of time commitment that I have is that certainly there are going to be probably four or six board meetings—that would be a year—and I would expect that I probably would be called upon on specific projects or that sort of thing; it might be in addition to that. But I'd say four to six board meetings.

In order to do this properly, it's not the time commitment at the meeting itself. I think there's a lot of preparatory work that has to be done, which is sort of part of my natural business anyway.

**Mr Runciman:** Right. When you say you are coming to this appointment with some clear views on what you'd like to see happen, can you share some of those with us today?

**Mr Nykanen:** Yes. Of course, one of the things that has been a real concern is governments and government offices, at quite great expense, competing against other private sector ways of being able to do it more efficiently, more effectively perhaps.

**Mr Runciman:** Can you give us an example of that?

**Mr Nykanen:** Well, trade missions; I think trade



missions are an excellent example. If you're an Ontario manufacturing business and you want to do business in India, there are many ways that you can approach that, and it has been done in many ways. The federal government, the provincial government and the private sector have done it.

For instance, in that case, with the strategic alliances that we have set up with our counterparts there, we make the contacts directly with the people who are involved directly in that sort of business. We arrange meetings. As a matter of fact, we led a delegation of about 20 companies over to India. Out of those 20 companies, 12 of them have set up specific business arrangements, whether it be joint ventures or market penetration and that sort of thing. That's been a very successful type of thing.

I can give you an example of how it shouldn't work. About two years ago—I think it's about two; I may be wrong on the time there—there was a trade mission that went to Italy. We had arrangements there with Confindustria through CMA. The federal government was there and the provincial government was there, and they all arrived at the same time, uncoordinated, I would say, to some degree. It leaves the most important person, the customer, the people whom we're dealing with, with quite a bit of confusion and saying, "Who is it really who is speaking here?" So we have a lot to learn in that regard, and I think we can accomplish that.

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**Mr Runciman:** Okay. You've been in the business of developing export markets for some time. When we're dealing with your efforts to try and sell Ontario products abroad, what kinds of problems are you facing now that perhaps could or should be addressed by the Ontario government now or in the future to try and make your job, in terms of selling Ontario products, that much easier and that much more attractive for the offshore potential customer?

**Mr Nykanen:** I think one of the things, whether it be internal trade or external trade, the elimination of trade barriers is a very, very key consideration as far as getting into this market and I think that an all-out effort should be made to reach agreements in these areas. I emphasize both internally and externally there.

**Mr Runciman:** From an Ontario perspective, though, what would you like to see an Ontario government doing at the earliest possible moment in terms of initiatives that would make your job that much easier?

**Mr Nykanen:** One thing we don't think the provincial government should do is throw a lot of money at business in terms of grants and that sort of thing. That's not what business is looking for. I think trade development activities, properly handled, in terms of trade missions, awareness, working in the spirit of cooperation, let's say, with some of the federal offices, the Canadian embassies and that sort of thing in the dissemination of information.

I think there's another very key role that the government can play, and that is to work in cooperation with industry to develop the kind of expertise that is needed in the small to medium-sized companies, particularly in terms of penetrating the market, looking at what the

market needs are to focus on these niche markets that we do the best. I think these are some of the areas that are important. The other part of the educational aspect is that different cultures and different countries do business in different ways, and the way it works in Windsor is not the way it necessarily works in Tel Aviv.

**Mr Runciman:** Thank you. It's good to see your appointment. I think you'll make a real contribution.

**The Chair:** Thank you, Mr Nykanen, for your appearance before the committee this morning.

**Mr Nykanen:** My pleasure. Thank you.

PAT PALMER

Review of intended appointment, selected by government party: Pat Palmer, intended appointee as member, Ontario International Trade Corp.

**The Chair:** Our next interview this morning is with Mr Pat Palmer. Welcome, Mr Palmer, to the committee.

**Ms Harrington:** Thank you, Mr Palmer, for being here. It's very important I think for all of us on all sides of the table here to get to know a bit more about this corporation and the role of you as directors.

A fairly regular question that is asked here is, have you ever been or are you now a member of the New Democratic Party?

**Mr Pat Palmer:** Unfortunately, none of the three parties has been able to solicit my membership in my 52 years around this province.

**Ms Harrington:** I see. I understand you did go to Israel with the Premier. How did that trip work out for you?

**Mr Palmer:** It was twofold. From a business point of view, it was very profitable and still is, carrying on some deals and contacts for businesses in Ontario with businesses both in Jordan and Israel. Secondly, it was a personal eye-opener as to that part of the world and some of the disadvantages that we suffer as a business community that we weren't aware of before going over there.

One in particular which has been followed up on by our organization and the government is the free trade issue with Israel. When we arrived in Israel, we found out that our American counterparts and the European common market both have free trade with that country and we didn't. It puts us at about a 15% disadvantage trying to get our products and services into Israel. That was one of the issues that we weren't aware of prior to going over there and we've dealt with, and hopefully that will be coming through now that the federal government has also got on side with the issue as well.

**Ms Harrington:** So you're working on that?

**Mr Palmer:** Yes.

**Ms Harrington:** One of the two divisions of the Ontario International Trade Corp is the capital projects, and the other half is the trade development. In the capital projects division the mandate is to help Ontario service companies—that is, architects, engineers etc—win international capital projects. I'd just like to speak up on behalf of one of my local firms which is very well known, Acres International, which has for decades done huge engineering projects overseas. I would like to let



you know that they're available, that they are excellent and that we need more employment in Niagara Falls in that particular business, if you'd keep that in mind.

**Mr Palmer:** I'm quite well aware of the organization and the principals in it.

**Ms Harrington:** Okay. Also important to Niagara Falls are the Pacific Rim countries. We get a lot of tourists now. Our market is going in that direction, and of course it's a high-end market and we are changing and upgrading to serve that market better. In fact, some of our hotel people have been, last October, over to Japan and a couple of the other countries promoting Niagara Falls, and one of the topics that comes up when I speak with them is the closing of some of our foreign offices around the world. I understand that the chambers of commerce across Ontario were supportive of the closing. I'd like you to let me know why.

**Mr Palmer:** The trade offices that we had in the past were actually a duplication of a lot of other efforts that have gone on, and there was not the synergy that was necessary to really capture some of the businesses.

Let's take tourism as a particular example. In the tourism area, if you went to Niagara Falls in the past, say 10 years ago, everybody operated on their own in terms of advertising and promotion. We didn't necessarily promote the Niagara experience to our Asian friends and what not to bring them over. If I had \$500 for an ad campaign, I'd do mine; if you had \$1,000, you'd do yours. Now we're starting to solidify that and develop synergies which are more important than a trade office in Taiwan or in mainland China. It's critical that we work together with the resources that we do have in promoting those parts that we want to promote together.

The trade offices as well did not have and could not have the currency of information and technology to meet the requests of the domestic individuals interested in certain things. So there's no sense having an office that you couldn't have state-of-the-art to compete with other countries and what not. You're better to go in partnership reliance with other governments domestically or, in our case, with the private sector, because perhaps we can afford, because of the nature of our business, better services and can piggyback and work with the government in promoting the tourism industry, which is very important to this province.

**Ms Harrington:** Thank you very much. I'm glad to hear you recognize how important tourism is.

**Mr Duignan:** Welcome, Pat. Nice to see you here.

I want to just follow up a little bit in relation to what you're talking about, the disadvantages. You were talking about your recent trip to the State of Israel. One of the many things that happens in the European Community is the fact that when you're in school you're offered choices of many different languages, not just English but Spanish, German etc. Many businesses find that when they go into, for example, the Asian market, which happens to be the largest growing market in particular for investment here in Ontario, they don't fit in. What happens in Toronto here is not necessarily what happens in Peking or some of the other capitals of Asia.

What do we need to do to empower business to orient themselves to the Asian market in particular to make sure they fit into how business operates, and what do they need to do to operate in that market?

**Mr Palmer:** There are three things. Number one is to show them how to. We offer a lot of courses and programs in Canada perhaps for the small and medium-sized companies that want to get into trade, say, in Asia. But their semester length, their long periods of time—entrepreneurs need something to help them get things started in a couple of weeks, show them how to go through the steps.

The next thing is to bring the expertise together for these people who want to get into those markets and learn about it so they don't have to run all over the place. One of the things that we undersell and don't recognize when it comes to the Asian market is the ability of our universities to help in this regard. There are a number of universities in Ontario—the one I'm leaning towards quite strongly is Windsor—where we have a nucleus of Asian students who have graduated and work very closely with businesses here who can assist in opening up the Asian markets. That is forgotten a lot of times, the academic centre that can help in terms of piggybacking on.

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The other side, the third point I think that's very important, is to encourage governments to continue trade missions. I don't care how good business organizations think they are, we may go over to an Asian country with our leaders and try to get profile; it never gets the profile that the political leaders of a nation or province get. It's very important to get that share of mind in the Asian countries, and you can only get that share of mind, when you're competing against other countries for that space, when you take your best marketers or your best roles over there to get that space and share of mind. The politicians do a better job.

**Mr Duignan:** So maybe we're useful for something. On that line, what's the most appropriate way of doing trade missions, in your opinion?

**Mr Palmer:** I was, as you know, involved with one about a year ago. I believe the individuals who were invited to go on that trade mission were invited because of their involvement, their expertise. It was quite a mix of strength, from marketing expertise, financial expertise and what not. I think there should be invitations extended to organizations and individuals so that you have a total breadth and depth of expertise, and secondly, the networks to go with it. Some people may have a lot of expertise academically but not have a network that they can call on for help and resources when they come back to capitalize on the contacts that they've made on these trade missions. So I think it's very important that you put the trade mission together consciously as to the mix you're going to have, the talent you're going to have and the network that they bring with them.

**Mr Duignan:** So you're basically talking about government-private sector trade missions.

**Mr Palmer:** Government and private sector; it must



be a combination, because they bring different strengths, different resources. I have a different set of networks, perhaps, in the community than you have, from the political side. I think all networks have to be brought to bear, because then we know the different expertise. I can tell you from even the trade mission, the 18 of us that were on it, I was able to help a couple of the people who were on the trade mission who were looking for partners in Ontario to do something and they weren't aware.

**Mr Duignan:** Do you have any idea of the cost-benefit analysis of such missions versus government-alone or business-alone missions?

**Mr Palmer:** I know the media loves to get a point in time and say, "This generated X number of dollars." You can't, because it's a continuous process. That mission over a year ago, I'm still involved with trying to help Ontario business and some of our Jordanian friends to make contacts and develop it. Now, that's a year after. Some of these are fairly big. One of the programs that's very important that I'd like to see continue on is where we're trying to get an educational linkage going with Jordan and our universities and colleges here in Ontario. I'm working with Mohawk and the University of Windsor again to try to get a co-op exchange. So these things carry on.

The key thing is that you've got the contacts and share of mind and you've got the priority position with those people to carry those business dealings. Yes, we run across some roadblocks when we come back to try to get some of our deals pushed forward, too.

**Mr Duignan:** You mentioned some disadvantages when you were over in Israel. What were they, and what do we need to do to get around them?

**Mr Palmer:** The big one, as I already mentioned, was to have a level playing field. If I'm going to compete in any sport or any game of business, I want to have the same rules as someone else. In Israel I was at a disadvantage. My European business friends and my American friends had about a 15% advantage because they had a free trade agreement with Israel and I didn't, which was negative.

One of the advantages we do have that we sometimes overlook is that Canadian and Ontario businesses are looked upon a lot more favourably in terms of business linkages and relationships than American counterparts. They would rather do business with us. They would rather get into an economic relationship with us. We should never forget that. I think you'll find that in Mexico and other parts of the world, Asia, it's the same case. It's a very good advantage.

**Mr Bruce Crozier (Essex South):** Good morning, Mr Palmer. It's a pleasure to meet you again. You may recall we met previously in southwestern Ontario in Leamington, I think, on chamber business. On that note, I'd like to have your comments with regard to the assistance that can be given to small urban municipalities, rural municipalities in some cases, because we know that large manufacturers, businesses, have the resources. We know in fact that large municipalities have certain resources to attract business. But we like to think that there are some places in this province where doing business can be fun

as well as profitable. I wonder if you have any comment on how the OITC could advise small urban municipalities to get into the competition for trade.

**Mr Palmer:** I don't know the total mix of the board that will be there, but I think the talent that's probably being brought together should be able to come up with some very solid recommendations and provide some synergy of knowledge that can be used in the small rural communities, the communities like where I was brought up and came from. One of the key things that is required in those communities is the people who are trying to promote the trade have knowledge of the community and the business opportunities in those communities going back to the network point of view that you can bring to the table and isolate.

To give you an example, Englehart, Ontario, which is a small northern community, has one of the most advanced, world-competitive pressboard factories available, and there were people in the Middle East looking for that. By that knowledge, you are able to bring that to the table, but how to get those promoted is not necessarily just by saying: "Here's a magic plan for Leamington. Here's a magic plan for somebody else."

The people in the community, first of all, have to be shown how to get involved and then next be given the network or the context. I think it's very important for people like all the board members involved with this to know the parts of Ontario, all the communities in Ontario, and not just the Torontos, the Londons, all the northern, southwestern communities, so you represent what is available and what is the knowledge, the expertise.

We have tremendous expertise in this province that's like a flame under a bushel basket. We hide it and we don't necessarily promote it. There are enough people, hopefully, around that board table who can take those bushel baskets off and really light a fire for this province.

**Mr Crozier:** Do you see the role of the OITC as well not just manufacturing with existing business and expertise but attracting business capital to Ontario to invest, to build, and then that may be a business that in turn will trade back with other countries, but inviting manufacturing and business to Ontario to establish to begin with? Is that part of the role, do you think?

**Mr Palmer:** In the global competitive market we're in today, you've got to look at alliancing to compete in projects and in major economic gains for your country and for your business. You can't go it alone as we used to do it in the past.

You're right. You may form a cluster of companies that bring strengths to the table. You may invite a British company to invest here, because of certain talents we've got in certain parts of our province, to bring sort of a manufacturing expertise. We may have a knowledge base we can bring to it, and then we may bring in an American company with the distribution expertise. But we may be together selling to the Asian market. That ability to bring international alliances together is going to be very critical for us to compete against some of the aggressive firms from the European common market and the American communities—very important.



**Mr Crozier:** I noticed, Mr Palmer, that you were here while we were interviewing the previous appointee, and the question of closing the trade offices came up. He commented that there are alternative ways of contact. I was interested to know if you have any comment on what those are; in other words, what can we do? I can see where they were closed to save money and to reduce duplication, but what can we proactively do then to replace those so that we're even at a better position than we were before?

**Mr Palmer:** Technology and teamwork. Let me talk about each of them individually.

On the technology side, someone mentioned about the Ontario Investment Service, which is one part of the technology available. The going phrase today is "Internet." We have a community in this province, North Bay, that is connected on an Internet web and is promoting itself worldwide as a community to do business and what it's got available. That technology is the state of the art and everybody's interested. We have to use more of the private sector and the public sector technology. Our corporation, members of our chamber, have technology that can promote and is accessible to foreign investors, foreign buyers etc. So technology has to be utilized a lot more.

The teamwork side I think is the critical one, where we don't try to reinvent what each other is doing: the federal government, the city of Brampton, whatever the case may be. We should be working together as a team, taking the opportunities that we have to those other countries and dealing with trade missions that come into this province, or whatever the case may be. In the technology and teamwork things, we've got a long way to go.

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Going back to the tourism area, that's one of the critical ones where both of those can make a lot of contribution. The one that has frustrated me since I've come back from the Middle East is in the agricultural area. I come from an agricultural background and still have an involvement in it. We had possibilities in the Middle East to make some major shipments of grain stocks and crushing plants, and we still can't get that done because of certain marketing board considerations.

I know this province and the parties in it will support us in trying to break down some of those barriers with the federal government. We're talking about hundreds of thousands of tonnes of soft wheat, which is an expertise of this farming province right here in Ontario.

**Mr Crozier:** Mr Palmer, I know that you'll be an asset to the OITC and I wish you well. It's a pleasure to see you again.

**Mr Palmer:** Thank you. Same here.

**The Chair:** There are three minutes left. Anyone else?

**Mr Runciman:** My party endorses Mr Palmer's appointment and we're pleased to see that on rare occasions the government will go outside its own political ranks to appoint some very well qualified people.

Mr Palmer, I have no questions. I simply wish you well. I know you'll do an outstanding job for Ontario.

**The Chair:** Thank you very much, Mr Palmer, for your appearance before the committee this morning.

RAYMOND PARKER

Review of intended appointment, selected by government party: Raymond Parker, intended appointee as member, Toronto Islands Residential Community Trust Corp.

**The Chair:** Mr Parker, would you like to come forward, please, and make yourself comfortable.

**Mr Frankford:** Good morning. Welcome. I've become quite interested in the topic of land trusts but don't know a great deal about them and I wonder if you'd like to briefly give your understanding of land trusts in general and perhaps how you see the islands as a working model of land trusts.

**Mr Raymond Parker:** I'd like to begin just by saying that it has been a long struggle to secure our tenure as a community, and the land trust non-profit framework that has been offered us by the legislation by your Legislature is giving us the opportunity to secure our community for the future.

It's been quite a trying time for the community, as you can imagine, to take on quite a bit of responsibility for managing our affairs. I think that one of the essences of the land trust model is that people become responsible and accountable for the land, for the community, for the resources that they're making use of.

Like I say, we have certainly been working very hard on the island with our various committees of the trust board to implement the legislation and the model. It has been quite a challenge, but we look forward to finishing it off and being able to get along with our community.

**Mr Frankford:** Have you looked at the broader question of land trusts? I've thought of ways in which they might work in my Scarborough riding.

**Mr Parker:** I think the island model is a sort of second-generation land trust model. In fact it's a residential community trust, and essentially I think it's a way of having the people who are affected by decisions actually participate quite closely in those decisions. How the model can be applied in other areas, I think, is something that we as a community, as a province, as a society would be working through over the coming years, the coming decades, because in a way it's clear that something has to happen, something has to change in the way we do things, the way we administer public life, the planning process and so on to make it more responsive and, frankly, more accountable to the needs of the local community.

**Mr Duignan:** You're being asked to serve as a member of this particular board and oversee certain developments on this particular project, including enacting certain bylaws on this particular project and all matters relating to the co-op. Have you ever had experience in relation to operating non-profit or cooperative projects?

**Mr Parker:** I have to say that I haven't had experience in operating these projects. I was asked as a member of the community to offer my services to the trust board, so I did that and the community chose to elect me to the



board to help out as best I can. I think it's a learning process for all of us. I don't bring any particular experience to it other than as a citizen, I guess, who's concerned to help out with my community.

**Mr Duignan:** That was the basic question I had. I would simply say that if we had time I'd ask you to explain what the title of your thesis was all about, but maybe another time.

**Mr Marchese:** I'll continue. Welcome, Raymond, to this committee. Just to follow up on the previous question, I've always been a strong supporter of cooperative housing because I think it's one of the healthiest ways of bringing together in a housing community. I think bringing people of different economic backgrounds, levels of economy, is useful, as opposed to ghettoizing this, which is something we used to do in the past.

It seems to me that when we have so many different communities in the downtown area in Metropolitan Toronto, we've got to look at different ways of bringing people together that produces a healthier kind of city. Do you have any views on that or do your studies relate to any of this? What are your comments?

**Mr Parker:** Absolutely. I think communities evolve organically to a certain extent. People do move and live where they want to, live and move to a situation which suits them, and it's important to nurture that process to allow a society or community to evolve in a natural, organic way and to try to nurture that rather than imposing conditions which might, like you say, ghettoize people and create barriers between people of different situations, different backgrounds, where it would be better to try to avoid imposing barriers, so that people can come together and enjoy each other and thrive off the diversity that people bring when they come together in a neighbourhood.

I know many communities in Toronto, including the Toronto Island community, are like that. There's a great range of diversity, certainly economically, and that's something that I think is very precious, which we can appreciate in Toronto and in greater Metropolitan Toronto and which many other cities don't have.

You have this ghettoizing that certainly has happened in many American cities. It's something we would want to really look carefully at in our city and see what it is that has enabled us to avoid that, to enable communities to keep evolving in a neighbourly way and have diversity of uses, diversity of people, diversity of different economic and other kinds of activities, and learn from it: protect it, nurture it, learn from it, see how we can have more of this happen.

1130

**Mr Marchese:** One of the things that we did obviously by passing the island legislation is to keep people on the island. Part of the concern of many in Toronto and Metropolitan Toronto is that people are leaving Metro, and this was an effort to keep people in the downtown area. We believe that's part of how you create a healthier society in a downtown core, by keeping people there.

I want to ask you a question. It's difficult obviously in terms of communication between people when you have

a whole mix of people, culturally, linguistically and economically. Your experience is in communication, a great deal of it. Deriving some thoughts from that experience, what would you think should be done as a way of getting people to communicate better with each other and therefore creating better urban lifestyles?

**Mr Parker:** First of all, you don't put barriers in front of people or between people so that they can't communicate. Clearly one aspect of that is the relationship between communication, the way people interact, and the built environment and the effects that has on the ability of people to communicate. Clearly, if people have to go out of their way or if you make it difficult for people to be neighbourly—my experience has been and certainly probably several people here know, if you live as I've lived in high-rise apartment buildings, I've lived in buildings for an entire year and not known my neighbours, not met my neighbours. So built form certainly has a significant effect.

If you make it part of the normal everyday routine whereby you drop by, you're passing by the neighbourhood café or you're passing by whatever and people can naturally interact to the degree that they feel comfortable, then you enhance the natural tendency of people to communicate. What you want to do is to have a situation built into your thinking about the built environment in such a way that people can choose, if they want to be private, to have privacy. People have to have private space, but at the same time they want to be able to be public and be social when they want.

It's been fascinating for me to see how that works in the island community and the extent to which these kinds of community interactions are enhanced and nurtured to a large extent because of the built environment, particularly with respect to our community as a carless community. That's just one example, because of the unique history of the island, but if you take away cars and the space they take up so that you're not getting cars and the whole car culture in between people, it really enhances to an extraordinary degree the amount of communication you can have.

**Mr Crozier:** Good morning, Mr Parker. Are you a resident of the Toronto Islands?

**Mr Parker:** Yes.

**Mr Crozier:** Full-time?

**Mr Parker:** Yes, I am.

**Mr Crozier:** But your application says Oneida Avenue. Is that on the island?

**Mr Parker:** That's right.

**Mr Crozier:** Okay. I'm not familiar with the geography as I perhaps should be.

My question revolves around transportation. My riding is one of perhaps a few in the province where we have residents on an island, albeit Toronto Islands aren't very far away from the mainland. I just read recently in fact where there are some questions about the need for the present transportation system. In the wintertime they run several modes of transportation, where perhaps there need only be one. Would you comment on transportation to the island and for its residents, and if there are additional



residents, what those needs might be.

**Mr Parker:** We have a community there and I think it certainly requires some level of transportation. I think what is happening, what is good, is that as we expand the community slightly, that will make the running of the ferry service more economical, more people using it, better utilization of the services; but more so, I think, the utilization of the park itself, the Metro park, of which the community is sort of the eastern gateway into the park.

The park is a tremendous resource for the people of Metro. It is used during the summer but usage of it tends to drop down over the winter to very low usage. Through an expansion of the community, we would look forward to having a more welcoming situation for people to come to the park. With a slightly expanded community, we'll be able to have a year-round café. Now we have a café that runs on the weekends through the wintertime. But it provides the opportunity for people who are visiting from Metro to have a place to come in out of the cold, have a coffee, hang out and so on.

We would anticipate that by bringing more people, making the park more attractive so that more people will come, then that of course will make the transportation system more efficient and just generally start to make better use of this tremendous resource that we have sitting 12 minutes away from downtown Toronto.

**Mr Crozier:** On one hand you want to attract people to the island to use the passive parks. Do you see, though, from an environmental standpoint, that it could be overtaxed, overburdened, and that we could in fact lose some environmentally fragile land?

**Mr Parker:** I think we would want to think about a concept of a park and the best use of the park, and one way to think about it would be to think of different uses. To a certain extent, that's how the park operates now. There are naturalized areas, there are environmentally sensitive areas, but in fact the greatest extent, I think it's fair to say, of the Metro park is a manicured approach to the park. We have quite large expanses of mown grass and picnic tables and a very managed approach to it.

That's one use which is certainly an important use of the park, but there are other uses of the park to in fact increase the naturalized areas or allow parts of the park to regenerate naturally, which is what has been happening in some parts of the park.

Indeed, in the Toronto Islands community through our efforts with the parks people over the years, and negotiating to reduce the amount of mowing and the use of pesticides and so on, in fact what were before open fields have naturalized to the extent where they are being considered for status as environmentally sensitive areas. So it's a matter of looking at the various uses and looking at the compatibility and the integration of these different uses so we get the maximum use of the resource.

1140

**Mr Crozier:** Is there a fee for using the modes of transportation to the island? If there is, does it vary for residents who are full-time, as opposed to those who visit on a day basis?

**Mr Parker:** The fee is \$3 for a round trip at the current time, and that's the same whether it's for a visitor or a resident. There is no special discount for residents. Residents pay on a per-trip basis, which does add up, if you think about it, on a daily basis. When you think about if you have a family, then it's a significant cost. Of course, through our taxes we also pay for the system as well.

**Mr Crozier:** As well, I understand it's subsidized to the point of roughly \$2 million a year.

**Mr Parker:** I don't have the figures on what amount of subsidization there might be, but as I mentioned earlier, the idea would be to increase the utilization, to increase the use of the park, slightly expand the community, so that the ferry services, whatever services, become more economic.

**Mr Crozier:** Do children pay daily to go to school the same fee?

**Mr Parker:** To my knowledge they do. I think there is a reduced fee. I'm not sure what it is, but I'm fairly sure that for children it's less than for an adult.

**Mr Crozier:** But they do pay a daily fee—

**Mr Parker:** That's right.

**Mr Crozier:** —as opposed to being free. I assume there are no schools over there on the island.

**Mr Parker:** There is a school on the island.

**Mr Crozier:** Oh, there is. An elementary school?

**Mr Parker:** Yes. I believe it goes up to grade 7 or 8. I'm not sure about that.

**Mr Crozier:** Fine.

**Mr Runciman:** Mr Parker, you said earlier you're a year-round resident of the islands.

**Mr Parker:** That's correct.

**Mr Runciman:** You don't have another place where you live in another area of the city?

**Mr Parker:** The island is my home. It's my only home.

**Mr Runciman:** Your only home. How long have you lived there?

**Mr Parker:** About three years.

**Mr Runciman:** How did you become so fortunate as to get a place on the island? How did that come about?

**Mr Parker:** Well, I've been visiting the island since I moved to Toronto. I came there; basically every year I'd visit several times a year. Eventually, a place became available for rent so I moved over.

**Mr Runciman:** So you're renting from another owner.

**Mr Parker:** That's right.

**Mr Runciman:** You're not an owner yourself.

**Mr Parker:** That's right.

**Mr Runciman:** I had a lady in to see me a number of years ago who had owned a property over there that had been leased to someone who had then taken it over and sort of taken over on a squatter's basis, I guess, and she had a real problem with ownership. I guess those kinds of questions have never really been adequately resolved



in terms of who really owns these properties. That's not something the trust plans to look at, I gather.

**Mr Parker:** Well, I think that's in fact the legislation. That's one of the issues that is dealt with very explicitly by the legislation through the appointment of the island commissioner, who has held hearings through the spring and throughout the summer, various applications for entitlement, and has made rulings in each individual case. So the entitlement process has been completed through the actions of the island commissioner.

**Mr Runciman:** Do you have any political affiliation?

**Mr Parker:** I don't.

**Mr Runciman:** Have you ever supported the current party in government, the NDP?

**Mr Parker:** Frankly, I haven't been active in parliamentary politics at all.

**Mr Runciman:** Do you have any political views that perhaps are of interest to the committee?

**Mr Parker:** Sorry, could you repeat that?

**Mr Runciman:** Your political perspectives. I don't pretend to be knowledgeable about this, but can you explain something—and I may be mispronouncing this—called hermeneutics that you've been involved in, the development of that?

**Mr Marchese:** That's not appropriate.

**The Chair:** Excuse me. Mr Runciman has the floor.

**Mr Parker:** Hermeneutics is the study of understanding, basically, to think about how it is that people can understand each other, reach understandings both among each other, understand ourselves, understand our relationship to the natural world. That's been an academic or scholarly interest of mine. I think how it might work out on the ground is just to really start to be sensitive to and to try to understand what the basis of human society is all about, and that's about understanding each other.

**Mr Runciman:** How does this relate to Marx? Isn't there some effort here to relate Marxism to—

**Mr Parker:** I think Marx, like other social scientists, was concerned about how people might understand each other and live together in a community.

**Mr Runciman:** So you wouldn't consider yourself a Marxist.

**Mr Parker:** I would consider myself a social theorist, I suppose would be one of my hats, and any social theorist would certainly have to take into account the theories of Marx like they would of Mill or Freud or any other political theorist.

**Mr Runciman:** A couple of quick questions with quick responses, please, because I don't have an awful lot of time. Mr Crozier mentioned the ferry service, and I know in the story in the media today or yesterday there was some suggestion that the residents could use the airport ferry. I don't understand the linkages; I don't pretend to be familiar with the island. Is that feasible, that you could use the airport ferry service?

**Mr Parker:** I think it's problematic. One thing is that there is a federal runway at the airport, and to make use of the Toronto Island Airport ferry requires that people be

bused across the federal runway. That's probably not a good idea from the point of view of transportation planning and it—well, I think I'll leave it at that.

**Mr Runciman:** You talked about increasing traffic on the ferry, more utilization, better utilization on a year-round basis of the park over there. What would your view as a director of the trust be in terms of some sort of commercial development over there that would draw large numbers of people to the park site during what are normally not high traffic times?

**Mr Parker:** Could you expand on that?

**Mr Runciman:** A casino, for example. The NDP is all into casinos, so maybe we could put a casino out there.

**Mr Waters:** Some of us.

**Mr Runciman:** That would certainly generate traffic.

**Mr Parker:** I think that any anticipated use, commercial or otherwise, would be something that would be very stringently considered by the trust, and the trust is responsible and accountable to the city, to Metro, to the province. As you know, our trust board has representation from members of those various constituencies and it would have to go through a considerable consultation process.

**Mr Runciman:** It's not an idea that turns you on.

**Mr Parker:** It's not something we've been considering.

**Mr Runciman:** One final question: As a director of the trust, I think you know the Federation of Ontario Naturalists has called for an open environmental assessment process for your planning processes and your activities. What's your view on that? Would you support that? If not, why not?

**Mr Parker:** I would say that in fact the planning and approval process has been very extensive and intensive. The trust is working with the various agencies. We're working with—

**Mr Runciman:** That's not the question I asked you, though. We have limited time. Would you support the recommendation of the Ontario Naturalists, yes or no?

**Mr Parker:** I'm sorry, I—

**Mr Runciman:** The Ontario Naturalists have recommended an open environmental assessment process for the trust's planning process and activities, and I asked you if you would support that recommendation.

**Mr Parker:** I would certainly support an open community consultation process.

**Mr Runciman:** You should have been a bureaucrat. Thank you very much.

**The Chair:** That completes each caucus's questions. Thank you for your appearance, Mr Parker, before the committee this morning.

**Mr Parker:** Thank you for the opportunity to meet with you.

**The Chair:** That's it for this morning. The committee will recess until 2 o'clock. Oh, sorry.

**Mr Runciman:** I haven't been on the committee for some time. I was just wondering, when do you vote on



these? This is at the end of the session, at the end of the—

**The Chair:** At the end of the day.

**Mr Runciman:** So later on today we'll be voting on all of the appointments we've reviewed for the past two days.

**The Chair:** Yes. Well, no, we do each day. We voted yesterday on yesterday's appointments, and we will have a motion today for today's appointments.

**Mr Runciman:** Okay.

*The committee recessed from 1152 to 1415.*

BRUCE McGAULEY

Review of intended appointment, selected by government party: Bruce McGauley, intended appointee as member, Pesticides Advisory Committee.

**The Chair:** Mr Malkowski, you had your hand up. Did you wish to speak?

**Mr Gary Malkowski (York East):** No, I just want to put my name down on the list for questions.

**The Chair:** That's a good idea. We've had as many as five at a time from one party, so it's a good idea to get your name down early.

The first person this afternoon is Mr Bruce McGauley, an appointment as a member of the Pesticides Advisory Committee. Welcome to the committee, Mr McGauley. This is a selection by the government party. I think it was Mr Waters, who wanted to find out what the Pesticides Advisory Committee did.

**Mr Waters:** I always enjoy anything to do with pesticides and farmers in the province of Ontario because I have a problem, and the problem actually is mentioned in the background notes. May I start?

**The Chair:** Mr Malkowski had indicated he wished to speak first. I haven't started the clock yet, so none of this has taken up any of your time. We'll start now with Mr Malkowski and then go to Mr Waters.

**Mr Malkowski:** Thank you for taking time to come this afternoon. There has been some concern expressed within the farm community about pesticide regulations and the different regulations across the provinces. There's concern about how those regulations affect the competitiveness. Ontario has some of the most stringent regulations in terms of pesticides control. Do you see that issue as a major concern?

**Mr Bruce McGauley:** I see it as a concern; I'm not sure it's a major concern. I believe it's important that we do place strong regulations on the use of all pesticides to ensure that their use is not abused.

**Mr Malkowski:** Thank you. I'm sure Dan will be able to use the time for questions.

**Mr Waters:** Welcome to the committee. I'm not going to attack you; it's a pet peeve, so I'll get this off my chest right off the bat. I'll go to our legislative researcher's paper. It says, "Another matter raised by the government agencies committee in 1987 was imported food that contains pesticides not permitted for use in Ontario."

As much as I think there has historically been an

overuse of pesticides—at one time the tendency, if not on this side of the border then particularly on the other side of the border, was, "Pour it on and hopefully everything will grow and it will kill everything and don't worry about the outcome"—I have a problem where we say to a farmer here in Ontario, "You can't use this product; it's banned," but we say to an importer, "You can import this food product for consumption in this province and you can have this level of this banned product on it."

I really have a problem with that and I would like your feelings on that. In particular, is there any way of levelling that playing field? I really think it does affect the farmers. Maybe you can convince me otherwise, but my feeling is that if indeed somebody can just put something on but our farmers aren't allowed to and it lessens their yield, then the playing field is not level. Indeed, if it isn't safe for human consumption, why are we allowing it in the province?

**Mr McGauley:** It's a rather complicated issue from where I sit, and, as a member of the Pesticides Advisory Committee, it's something we do have to deal with.

Pesticides are lumped together, I guess, when we talk about them in this kind of forum; obviously, that's a bit of a generalization. Each pesticide has its own efficacy, its own breakdown rates and things like that. The Pesticides Advisory Committee only deals with pesticides that have been registered at the federal level. The federal government has a responsibility to look at efficacy and at human health impacts, things like that. What the Ontario Pesticides Advisory Committee is really doing is scheduling these products that have already been determined to be efficacious and safe and suitable for use on human crops. We are scheduling them into six classifications governing their sale and storage and use here in this province.

If a product has a very slow breakdown in the Ontario climate compared to, let's say, the Mexican climate, we might want to place more stringent controls on that product here than other countries do.

That does open the problem, though, as you're raising, about food that is imported into this country that our farmers can't compete with as successfully. I think that is being addressed to some extent by the residue sampling that is done on the products being allowed into Ontario or into Canada. I don't think there is a serious threat to human health, because we are monitoring that produce as it comes in to ensure that it doesn't contain high levels of pesticides that would compromise human health in the province.

**Mr Waters:** You mentioned the federal government, that we work within its context. I note that from 1984 to 1987 you were on the advisory committee before.

**Mr McGauley:** Yes.

**Mr Waters:** My question, because you have some prior knowledge, is the interaction between the advisory committee provincially and the federal. Is there a lot of interaction between the two so that there is a better understanding of the wants and needs of Ontario at the federal level, or are they out doing their thing and Ontario doing its thing?



**Mr McGauley:** That's an interesting question. My earlier term with OPAC involved forestry applications of pesticides, and we in the forestry community at that time felt the same way the farmers feel. Many products were registered for use in the farm community but they were not specifically registered for forestry use, and we felt we were compromised in our ability to control forest pests.

The farmers have a concern. That's why we invite agriculturalists on the committee so we have their concerns and are cognizant of them.

In terms of the relationship between OPAC and the federal government, in my previous term we were very much involved with the federal government. I was back and forth to Ottawa on a number of occasions with Agriculture Canada, and also with the health directorate at that time, talking about the impacts of non-registered products on applications here in Ontario.

I think that relationship needs to be there. I'm not sure how strong that relationship is right now, but that may be something I can bring to the committee if I'm appointed at this time.

**Mr Waters:** I'm not sure exactly how this relates, but it's another question that has something to do with the pesticides. I believe you worked for or are part of the London parks and recreation department?

**Mr McGauley:** Yes.

**Mr Waters:** I have a friend who does something similar for another community in the province, and I remember that when he started out as a student, on a golf course, there was no licence required; this was some years ago. He was, with no training or anything, putting pesticides on the golf course and on the trees and dealing with everything that's there, the same as you would in a park. I know that now the rules have changed and everyone has to be licensed.

**Mr McGauley:** That's correct.

**Mr Waters:** In the licensing process now, are people educated in, shall we say, selective use of pesticides in a much more appropriate manner, rather than just "Spread it on" and "More's better," that indeed sometimes less is better and more kills?

**Mr McGauley:** Yes. I think it goes beyond that, though. In any of the courses I've been involved with, and I was involved with quite a number when I worked for the Ministry of Natural Resources, we strongly attempted to educate people in alternatives to pesticides, because we were beginning to recognize and certainly do recognize now that there are a number of alternatives. The use of the pesticide, whether chemical or biological, was always taught to be the last resort: You would try to control the pest some other way, some environmentally friendly way, and if that couldn't be done, the next option was biological pesticide, and the third option was control with chemicals. That certainly is in place.

There are varying levels of licensing, depending on whether you're spraying herbicides versus insecticides, fungicides versus indoor applications in greenhouses and so on, so there are different levels of intensity in your training. But yes, label reading, all of those kinds of things, learning how to properly mix the pesticide in the

tank and use the proper dose and follow the label directions, all of those things are included in the training sessions.

**Mr Crozier:** Welcome to the committee. I would like to follow up on the line of questioning that's begun here relative to farming. I was interested in your comment initially that you see it as a problem, but not a major problem.

I come from the southern part of Essex county where there is all variety of field crops, early vegetables, the greenhouse industry. I'm led to believe—more than led to believe; I believe what my people tell me, and that is that it is a major problem, that in areas where pesticides are approved by the federal government—and you can enlighten me on this—the province can then, through the restrictions regarding storage, sale and use of pesticides, either approve what the federal government has approved or not; and that a great deal of cost is gone to by the federal government and in fact the industry to produce information on these pesticides as to their safe use, yet even in that instance the province may not agree. Could you enlighten me as to why you don't see this as a major problem?

**Mr McGauley:** I didn't mean to imply that it wasn't a major problem. I'm not in the farming community, so I say it out of ignorance more than anything else. I don't know whether it's a major problem or a minor problem. Not being in that particular area of expertise, I'd have to investigate further and depend on other committee members.

**Mr Crozier:** From your experience on the committee, I take it that your expertise in forestry is combined with someone else's expertise in agriculture and in that way you arrive at the best recommendation, in your view. Is that it?

**Mr McGauley:** That's correct. My background is in forestry, through formal training and also through the first, roughly, 12 years of my career, and I've now switched into the parks field for the last seven or eight years. So I hope I bring to the committee a sense of what's going on in the urban environment and perhaps I can still comment on things that are happening in the forestry area as well.

**Mr Crozier:** I agree. I see by your background that you are eminently qualified, but I just wanted to get an idea of what your approach may be, that you're open to—I was going to say "open to compromise," but this maybe isn't an area in which "compromise" is even the correct word—but that at least you're open to the views of the agricultural community so that you might be convinced we're doing the right thing.

**Mr McGauley:** That's correct, yes.

**Mr Crozier:** Also with application, very recently the farm community has been in touch with me because in our area we have a number of migrant workers, many from Mexico, and the concern is with the licensing of the applicators. I would like your view of the dangers, if you like, involved if we only license, say, one applicator on a farm and then, under supervision, others are allowed to apply pesticides. Could you give me some information



that I might take back to my constituents?

**Mr McGauley:** I'm not right up to date on the Pesticides Act, but in the past I know that one licensed applicator could oversee the work of two or three other individuals who were not licensed. I suspect that scenario still exists. I think it is an appropriate method to work under, and it's the responsibility of the licensed applicator to speak specifically about the products and the dosages or rates that are being used, so that the individuals who aren't licensed at least understand the hazards or concerns that they should understand in that specific application with that specific product.

1430

**Mr Crozier:** When it comes to the research that's done, as I've been told, initially companies do a great deal of research when it comes to pesticide use. I suppose there are volumes of information they then present to, in this case, our federal government. It's my understanding that one of the problems with the size of our population relative, let's say, to the United States is that the market just isn't big enough in some cases for the manufacturer to do anything more extensive if it's required.

Then we have the question where the federal government spends time and effort and money and even then Ontario, with more stringent laws, may still not accept that pesticide. What is it that you could explain to a layman if I might say, "Well, gee, if it's good for BC, why isn't it good for Ontario?" Is it just a difference in the expert opinion that's given, or are we really different? Why do you think we can't have uniform approval across the country?

**Mr McGauley:** I think that we can have uniform approval in certain areas. I think it's one that has troubled all of us who deal with pesticides. In the United States we may have concerns about human health, and then when the product comes to Canada we apply more stringent controls. I have often questioned, is human life more valuable in the United States than it is in Canada or vice versa?

I think, though, one of the areas that we have great concern about is the environment. The Canadian environment, just because of the size of this country, is quite varied. The product, as I was mentioning earlier, may disappear much more quickly in some parts of Canada than in other parts of Canada. It depends on the amount of organic material in the soil, the number of microbes in the soil, the number of growing days or degree days in that particular part of the country. So we could have differences, and I think differences that can be supported scientifically across this country, east and west as well as north and south, mostly from an environmental standpoint, I would contend.

**Mr Crozier:** When we're on the subject of the environment, how do you feel, then—and I went through this in our own municipality when groups came to us to have us either drastically reduce or in fact not use any pesticides on public parks, where children may play, this sort of thing. Do you have an opinion on this as to either the use or the banning of pesticides in public areas?

**Mr McGauley:** Philosophically, I look at pesticides

in much the same way as I look at human medicine. If there's a need to use the medication, then the medication is justified; if there is no justification to use it, then it ought not to be used. I look at pesticides in much the same way. After all, pesticides in a lot of cases are chemicals much the same way as drugs are chemicals. If we are arguing the use of a chemical to control dandelions in a park and it doesn't make any difference in terms of tourism or other situations, then we ought not to be using the pesticide for that particular purpose. If, on the other hand, there's an economic problem that's created because of the presence of a particular pest or we see the potential for a pest explosion, perhaps it's a new pest in this province or in this country, then there may be some good justifications for using the products.

**Mr Crozier:** When we speak of pests, and I may be a bit behind on this, but I think that there was a provincial program to help eliminate termites, and we have, again, termite infestation in the southern part of Essex county, but I don't believe those funds are available any more. Do you have any comment for my termite friends in Essex county as to whether that should be something the provincial government should consider reinstating to assist in the control of termites?

**Mr McGauley:** I'm honestly not up to date on the termite issue. I guess, though, again from a philosophical standpoint, there are termites all over the world. If they are posing a particular problem there could well be some justification for dealing with the pest. In other situations, leave them alone.

**Mrs Witmer:** I just have one question. We've had an interesting discussion here on pesticides. Are there any other issues that are of personal importance to you that you would like to see OPAC address?

**Mr McGauley:** I think the mandate of the Ontario Pesticides Advisory Committee is pretty much restricted to pesticides, and that includes the full gamut, biological and chemical and all pesticides, including insecticides, fungicides, rodenticides, the whole gamut.

**Mrs Witmer:** Is there any area there that you would like to pursue or feel needs more investigation?

**Mr McGauley:** I'm particularly interested in, I guess, the three big ones: the insecticides, the fungicides and the herbicides. I'm also interested in learning more about the combinations that are coming out, particularly the fertilizers combined with herbicides, because there seems to be a fair bit of that happening. I think it's something that the Pesticides Advisory Committee is dealing with in more recent times and I'm anxious to learn more about that as well.

**Mrs Witmer:** I wish you well. Thank you.

**The Chair:** Thank you very much for your appearance before the committee this afternoon.

EDWARD KINGSTONE

Review of intended appointment, selected by the official opposition party: Edward Kingstone, intended appointee as member, Ontario Criminal Code Review Board.

**The Chair:** Our next appointment this afternoon is Dr Edward Kingstone. Welcome to the committee, Dr



Kingstone. Are you related to a doctor of the same name at the Toronto General Hospital, tropical disease department?

**Dr Edward Kingstone:** No, they're Keystone. Those are the Keystone twins. One's in tropical medicine; the other one is in rheumatology at the Wellesley. We used to get our mail mixed up.

**The Chair:** I should remember the name; he saved my life.

**Dr Kingstone:** Good.

*Interjections.*

**The Chair:** No, I didn't wish to open that comment to the rest of the committee, but you'll be pleased to know it's some years ago.

This is a selection of the Liberal Party and we're going to start with Mr Offer.

**Mr Offer:** Thank you, Madam Chair. I was going to ask you the first question based on that past experience, but I guess not.

I have just a very few questions. The appointment under the Ontario Criminal Code Review Board: This is a new type of board establishment with a new type of procedure. Do you have any concerns with the process under which the decision-making is undertaken?

**Dr Kingstone:** I'm not that familiar with it, but having read about it and reviewed it in the Criminal Code, some of the writing, it seems to me it's a reasonable mechanism for going ahead with making decisions.

I was more familiar with the workings of the other board, or heard about it, and this current one is much more in keeping with the general openness and the balance between the rights of the individuals and the needs of society.

**Mr Offer:** Do you believe that the process, the type of investigation it's undergone, is one which can ensure the safety of the public in matters of this kind? Are there difficulties that you think might exist?

**Dr Kingstone:** Well, since we're dealing with an area of behaviour where there are no absolutes and where you have to use a variety of factors in order to come up with a judgement, there are always going to be some difficulties. Short of trying some absolute way of either keeping people incarcerated all the time or not being concerned about it, it's somewhere in between that you have to find a reasonable ground.

1440

**Mr Offer:** Do you believe the board should keep a statistical record of the matters that it's heard before it? Do you have any thoughts on the keeping of statistics?

**Dr Kingstone:** Just in a general way, as long as the statistics are meaningful, I think I have to say I agree with the idea, coming from an area in the practice of medicine and hospitals where outcomes are always very important and the nature of decisions and the effect are something that we look at for feedback all the time in order both to see how effective and also to see how one can learn from it.

**Mr Runciman:** Doctor, what's your experience with forensic psychiatry?

**Dr Kingstone:** I haven't been involved in any intense way with forensic psychiatry but I've had an interest and involvement for many years in a number of ways. When there were times when there was a review of individuals who were sentenced to death and were being commuted and required psychiatric examination, I was involved in that process for a while.

As an editor of the Canadian Journal of Psychiatry, it's been my obligation and experience to review articles helping to educate our Canadian psychiatric population about forensic psychiatry. So I've had to make judgements about that.

A number of years ago, as an administrative head of the department of psychiatry at McMaster, we were involved in negotiations with the Ministry of Correctional Services about setting up a correctional psychiatry program. So there was quite a bit of investigation as to the best way of doing this. Then I spent some time acting as a consultant with the Hamilton-Wentworth Detention Centre and teaching residents there. I've also spent some time visiting facilities in England in the forensic psychiatry area.

**Mr Runciman:** You've done extensive research and writing. In one of the journal articles you talked about "The Geographical Distribution of Psychiatrists in Canada: Unmet Needs and Remedial Strategies." One of the things I've heard about psychiatric hospitals in this province, and I wonder if you have a view on this, especially in terms of forensic psychiatry, is that the psychiatric hospitals, unless they're affiliated with a university for example, tend to get the less qualified psychiatrists perhaps, because, if you will, the better people can make a significantly better living in private practice than working in a hospital setting. I just wonder if you have observed that and if you have any views to express.

**Dr Kingstone:** I think a few years ago that was true for most of the reasons why people settle in metropolitan areas rather than in other areas of the province. A number of years ago there was a significant rearrangement of the salary structure so that some of the invidious comparisons that existed at the time are no longer there. In fact, my understanding and my evidence and from what I've seen is that the income level of people who work for the provincial hospitals is very close to those who are in private practice in the practice of psychiatry. So where people go depends a lot on personal factors.

**Mr Runciman:** One of the things you just mentioned in response to a previous question about the change of the law and the establishment of the Ontario Criminal Code Review Board, I think I've got your quote correctly, is that the new legislation brings more balance between the rights of the individual and the needs of society. That view concerns me a little bit. What is your understanding of the need for changes in the legislation? My view was that the legislation was changed because of so-called human rights advocates complaining about the indefinite incarceration of individuals in psychiatric facilities, individuals who had committed heinous crimes. So there was this effort to try to allow these folks greater ability to get back out into the communities across this



province and across the country. I gather you share that view, based on what you've just said, that you think it's bringing more balance into the system. You thought there was an imbalance in the past, did you? Why did you reach that conclusion?

**Dr Kingstone:** The imbalance that I perceive is that it wasn't very clear as to some of the criteria that were being used. I find that the current list of criteria makes the protection of the public a cardinal issue before others can be looked at, the other dispositions that are available. So it spells out the mandate quite clearly, both for the operation of the board as well as for the public.

**Mr Runciman:** I'm not so sure. It may spell it out but we've had indications and cases of situations where the board has certainly not placed public safety at the top of the priority list. I guess I'm interested in your views in that respect, because it seems to me, when we talk about individual rights, that the rights of society at large should take precedence in terms of public safety.

I know there's always a risk factor associated with these kinds of decisions, but I'm wondering how you feel about accountability. This has been talked about in terms of parole boards and, in effect, you are performing much the same function as a parole board. What's your view of an appointee to this kind of board being accountable to the public through civil action, through the courts, what have you, in respect to you making a faulty decision which perhaps results in the death of a citizen?

**Dr Kingstone:** I can't comment exactly about the work of the board, but I can tell you that in my everyday work, accountability is first and foremost in the way we operate. We have an accountability to our patients; we're also very concerned about malpractice; not from the point of view that one can be sued but as a way of making sure that correct decisions are made. So I have no problem with the idea of accountability.

We know, and I've been through this, that when the accountability is too close to the decision-making, then it forces people to make decisions that sometimes are too defensive. So I think it would be a kind of accountability that would allow the best judgements of a group of people to be made and I think they should be reviewed on the basis of outcomes.

**Mr Runciman:** I just want to ask you a few questions about victims when we're talking about rights and how you feel about the question of victims having access to the hearing process—that's just one element of it—and having, through the crown perhaps or through their own representative or themselves, a limited ability to provide a victim impact statement to the board of review prior to making your decision. Do you have any problem with that concept?

**Dr Kingstone:** I think I would have to have some more experience with how that impacts on the way a board works. I can certainly be very sympathetic with the wish for victims to be able to have an opportunity to make sure that the effect of the crime and the future is taken into consideration. One has, to a certain extent, to take their instinct, their intuition about the future, what they're worried about, in there.

On the other hand, one would like to find a way, and I don't know if there is a way, for them to be able to leave something terrible behind and get on with their lives, as it were, because there seems to be a kind of continuation.

**Mr Runciman:** I don't think that's a role that you should be playing.

**Dr Kingstone:** No.

**Mr Runciman:** That's sort of a God-like role, that you're saying, "You go away and forget about this and do not tell us about the impact that this individual's actions had on your family and on your life." I don't think that's the kind of role you should be playing. That's my own opinion.

The other question in respect to victims: You'll be making decisions as a member of this board. If someone is incarcerated in Penetanguishene and there's a recommendation from a psychiatrist in Penetanguishene that, "We think this individual can now be moved to medium security" or "from medium security," their warrant is loosened so they're given ground privileges or community privileges. Those are the kinds of decisions you will be making.

Do you have any difficulty with notification of victims with respect to, initially, the hearings taking place but, secondly, a notification of this individual, say, moving from Penetanguishene to Kingston or now going to be released under supervision into the community or unsupervised unconditional release? Do you have any problem with the idea of notification, keeping victims completely informed?

1450

**Dr Kingstone:** No. Yes, in terms of rights, I feel their rights should also be taken into consideration.

**Mr Runciman:** That hasn't been the case in the past, but, okay, thanks very much.

**Mr Waters:** Thank you for coming in today. The member brought up Penetanguishene and that facility's about a mile, if that, from my riding, so I'm somewhat familiar with the facility, although I still have trouble understanding the process in which you're going to be involved.

One of the questions I have is because, as a committee, and this just being one committee of the Legislature, probably four or five times a year we have someone come in in your position, or it seems like that, and anyone who touches this particular topic, we drag them forward because we're trying to get an insight as to what's happening.

You're going to be sitting on the board. Would you not agree that one of the things the board should be looking at is becoming proactive, not necessarily with their client group that indeed they're going to be making the decisions on but maybe with the decision-makers of the Legislature and indeed some people in the public, so that the public has a better understanding about how you make the decisions and the process? Mr Runciman is getting at the same thing I think I'm trying to get at. Part of it isn't necessarily that you're making the wrong decisions; we just don't understand how you're making



the decisions. Maybe there's a way of being proactive, and I'd like your comments on that.

**Dr Kingstone:** Except in so far as there needs to be confidentiality maintained under the rules and regulations about individual illness and individual issues, and I think that always makes it difficult, I would have no difficulty in finding a way of providing education for people. I think it's a contentious area. There's not going to be an easy way of satisfying people, but it's important to try to educate people about where the profession is, where the science is in terms of the treatment of mental illness, the success rate in treatment of mental illness, the coexistence of criminality in mental illness, because we're just learning about that, as well as the predictability.

**Mr Waters:** Yes, because I look at my community, and we're probably touched by it somewhat more than most, and a lot of the people in the community, to be quite honest, think that what happens is some bright young psychiatrist or someone like this comes out of a university with an honours degree, goes to Penetang or to Oak Ridge, which is for the criminally insane—I should be more specific because there are three hospitals there—and three years later decides that he has cured this person and that person walks out the door. That's what the community believes happens, and that indeed he hasn't cured that person. It turned out that that person was smarter than he was and he wasn't quite as bright as he thought he was. That's the way the community perceives it.

I know and you know that we have incidents where, for whatever reason, either the wrong decision was made or the person, for whatever reason, is back in the public and sometimes things go wrong. But there are a lot of times that it goes right.

**Dr Kingstone:** Sure.

**Mr Waters:** I don't think that necessarily we should have the public in at all the hearings, but there has to be, I think, some form of understanding somehow in this system, there has to be some form of understanding by the public what the process is.

**Dr Kingstone:** We're not dealing with a static process—

**Mr Waters:** And I know that.

**Dr Kingstone:** —which is one of the problems with it. I think if we had psychiatrists who were too naïve, then we're not doing a good job in educating them. But there's no question that we're dealing with a process, with a science in psychiatry that is certainly not exact, because all the facts aren't there and we also go in waves.

Often there are breakthroughs in the way one can treat people and it seems that this is going to be the answer, and then after a few years it's not the answer so the pendulum swings. I think the job of the experts is to try to keep the public knowledgeable about where things are going.

I believe that a few years ago we were more hopeful that our treatment was much more permanent. I think we realize that in more cases now we are dealing with a chronic illness as we do in so many areas of medicine

and what's important is the right form of treatment. Letting people out without appropriate treatment or without assurance of compliance, which is very difficult, causes a great deal of difficulty and we don't have any answer to that.

**Mr Waters:** Indeed, my feeling, because we do hit the three hospitals, is that we have a number of people who have other mental disorders who are not in Oak Ridge, but because they're in an institution they take their medication and everything's going well. When they come back into the community, the aftercare, the follow-up, isn't always what that particular patient needs. It might be a standard follow-up, but some patients need a different degree, I guess, of follow-up than others. I think this could be some of the problem.

**Dr Kingstone:** When we wrestle with this problem all the time, much of the time, because I work in a general hospital, it's not a dangerous thing because people leave. It's only, as it were, the family who gets upset and brings them back. We deal with this on a daily basis and have reviews about this. It becomes harder because the consequences when someone is released and commits a crime are much greater so that one has to err much more on the side of conservatism, but we don't have good ways of getting people absolutely to comply unless you hang on to them.

I think the issue of being very optimistic, that after a few years of treatment people are automatically better—I don't think that is as much in existence. I think the pendulum has swung a little bit and we are looking for more profound ways both of understanding and of treatment.

**Mr Waters:** I've looked at your CV and I'm more than impressed and I think most members on the committee are. If I was to leave you with a parting thought it would be this: You are going to become part of a board that is under constant scrutiny by the public and if you could have any impact on that board in order that somehow we, the public in general, have a better understanding of what they're doing—and I agree, without interfering with the individual rights—but for us to have an understanding that we're not constantly releasing monsters back into society, that indeed there is a thought and a process—if you could have some sort of an impact on this board becoming proactive in that way, I would leave you with that thought and thank you for coming here today.

**Dr Kingstone:** I would agree. Thank you very much.

**The Chair:** Thank you, Mr Waters, and again, thank you, Dr Kingstone. We now have two matters of business. One is to determine the appointments for today.

**Mr Waters:** I move that we pass the people who came forward today, probably as a block. Yes, I move concurrence as a block.

**The Chair:** All right. Do you wish, Mr Runciman, to vote on all of them individually?

**Mr Runciman:** No. I'm just trying to look for the name of the individual who was appointed to the islands committee.

**The Chair:** Mr Parker, number 4.



**Mr Runciman:** I'd like to have a recorded vote on Mr Parker. I don't mind voting on the others as a group.  
1500

**The Chair:** All right. So the first motion, moved by Mr Waters, will be to approve the following appointments, and I will read them into the record: Rosalind Rajanayagam as a member of the Council of the College of Dental Hygienists of Ontario; Mr Paul Nykanen as a member of the Ontario International Trade Corp; Mr Pat Palmer as a member of the Ontario International Trade Corp; Mr Bruce McGauley as a member of the Pesticides Advisory Committee; and Dr Edward Kingstone as a member of the Ontario Criminal Code Review Board.

That motion has been moved by Mr Waters. Is there any discussion? All in favour of that motion? Opposed, if any? That motion is carried.

**Mr Marchese:** I would move that we approve the appointment of Mr Raymond Parker.

**The Chair:** Mr Marchese is moving the approval of the appointment of Mr Raymond Parker—

**Mr Runciman:** I request a recorded vote.

**The Chair:** —as a member of the Toronto Islands Residential Community Trust Corp board of directors, and a recorded vote has been requested.

All in favour of Mr Marchese's motion?

**Ayes**

Curling, Crozier, Duignan, Frankford, Harrington, Malkowski, Marchese, Offer, Waters.

**The Chair:** Opposed to that motion?

**Nays**

Runciman, Witmer.

**The Chair:** That motion is carried.

#### SUBCOMMITTEE REPORT

**The Chair:** We have one other matter of business. It's the approval of the report of the subcommittee from this morning's subcommittee meeting, if someone would like to move approval of the report of the subcommittee as printed.

**Mrs Witmer:** So moved.

**The Chair:** Thank you. Ms Witmer is moving approval of the report of the subcommittee, as printed on three pages and circulated to each member.

All in favour of the report of the subcommittee report? That motion is carried.

**Mr Marchese:** I move adjournment, Madam Chair.

**The Chair:** There being no further business, Mr Marchese is moving adjournment. All in favour of adjournment?

The committee is adjourned, thank—

*Interjections.*

**The Chair:** All right. Mr Curling has the floor.

**Mr Curling:** We discussed earlier about Mr Wilson not being able to appear at a certain time and Mr Engelmann not being available at certain meetings. Should they become available in February, we'd be happy to accommodate them. If not, we will also be prepared to see them in March, but that doesn't say that if both of them are not available in February that we also are prepared to see them in March.

**The Chair:** What you're saying is that the committee made a decision yesterday that they would see Mr Wilson in March because he was going to be away in February. Should his plans change—

**Interjection:** And Mr Engelmann.

**The Chair:** —and Mr Engelmann. If their plans change, what you are now suggesting is that the clerk go ahead and schedule them as early as possible, and if that is February, it would accommodate them earlier and you would be very happy to do that. As a result of scheduling them in February, then you would hold over two of your other selections for the March meeting instead.

**Mr Curling:** For March, that's right.

**The Chair:** That's clear. Any questions?

**Mr Waters:** I have no problem with that, Madam Chair, but I was wondering, I have an alternate scheduled for February and if indeed they were available, I would be willing to give that alternate up in order to allow for Mr Wilson or Mr Engelmann. If that would help facilitate it, I would like to do it in as timely a fashion as possible.

**The Chair:** Right. I think from Mr Curling's indication, so would the committee like to do it as timely as possible. There is unanimous agreement on this matter, so I think that concludes the business for today.

*The committee adjourned at 1507.*











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**\*Harrington, Margaret H.** (Niagara Falls ND)  
**\*Malkowski, Gary** (York East/-Est ND)  
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**\*Witmer, Elizabeth** (Waterloo North/-Nord PC)

*\*In attendance / présents*

### **Substitutions present / Membres remplaçants présents:**

Duignan, Noel (Halton North/-Nord ND) for Ms Carter  
Marchese, Rosario (Fort York ND) for Ms Gigantes  
Offer, Steven (Mississauga North/-Nord L) for Mr Cleary  
Runciman, Robert W. (Leeds-Grenville PC) for Mr McLean

**Clerk / Greffière:** Mellor, Lynn

**Staff / Personnel:** Pond, David, research officer, Legislative Research Service



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Third Intersession, 35th Parliament

## Assemblée législative de l'Ontario

Troisième intersession, 35<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 15 February 1995

# Journal des débats (Hansard)

Mercredi 15 février 1995

Standing committee on  
government agencies

Comité permanent des  
organismes gouvernementaux

Intended appointments

Nominations prévues



Chair: Margaret Marland  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 15 February 1995

Mercredi 15 février 1995

*The committee met at 1002 in committee room 1.*

## INTENDED APPOINTMENTS

JOHN FERA

Review of intended appointment, selected by third party: John Fera, intended appointee as member, Gaming Control Commission.

**The Vice-Chair (Mr Allan K. McLean):** We're dealing today with the intended appointees of different agencies, boards and commissions. The first one we have is John Fera. If John would like to come forward, you have the opportunity to make an opening statement or any comments you'd like or we'll go right into questions.

**Mr John Fera:** Basically, all I would like to say is, thank you for the opportunity to appear and hopefully I can answer your questions with my limited knowledge.

**The Vice-Chair:** Thank you. Mr Sterling, you're first, 10 minutes.

**Mr Norman W. Sterling (Carleton):** Welcome to the committee, Mr Fera.

**Mr Fera:** Thank you, sir.

**Mr Sterling:** You are intended as an appointee on the Gaming Control Commission?

**Mr Fera:** Yes, sir.

**Mr Sterling:** What experience do you have that you expect to bring to the gaming commission?

**Mr Fera:** Basically, I think the experience that I've gained through my political affiliations with the municipality. I'm currently the deputy mayor of a small town in northern Ontario and I sit on Sudbury regional government. I've been involved mainly in consensus kind of meetings and I think that kind of approach is what I bring to this commission.

**Mr Sterling:** Do you have any experience at all with law enforcement?

**Mr Fera:** No, sir.

**Mr Sterling:** In terms of your background, what kind of work are you involved in?

**Mr Fera:** My profession is I'm an electrician with Inco Metals. I've been with Inco for 25 years, and for the last four years I've worked with the joint Steelworkers-Inco Metals committee called the cooperative wage study committee, in which I'm a member of, as I said, a joint committee in which we do job evaluations and pay rates and that sort of thing.

**Mr Sterling:** What is your understanding of what the Gaming Control Commission will be doing? What will your job on that be?

**Mr Fera:** Basically, my understanding is that the control commission will be formed to regulate gaming in Ontario and to make sure that anyplace gaming is carried out it'll be done honestly and in a fair manner.

**Mr Sterling:** How do you think your experience will marry with the mandate of the committee?

**Mr Fera:** Basically, through my municipal experience in regulating and committee meeting and that kind of thing, I think. I've been involved in that for a few years now and hopefully that will assist me.

**Mr Sterling:** How did you come to apply for this position?

**Mr Fera:** Actually, it was quite by accident. I had been in contact with the Northern Development and Mines people concerning municipal matters, and in the course of the conversation I understood that there would be applications taken for the gaming commission. I asked if I could apply for it and I was told that I could.

**Mr Sterling:** Are you a member of any political party?

**Mr Fera:** No, sir, I'm not.

**Mr Sterling:** I don't have any further questions.

**Ms Margaret H. Harrington (Niagara Falls):** Thank you for coming, Mr Fera, all the way from way up there, the Sudbury area. I guess you're near Sudbury?

**Mr Fera:** Yes.

**Ms Harrington:** The Gaming Control Commission deals with municipalities all across the province, and I know certainly in my municipality of Niagara Falls we have many charitable bingos and huge halls that are set up. On a daily basis these are used by all the charities within the city, and of course in Fort Erie as well. It's a very big industry. We have an employee at city hall who deals exclusively with this area and very often issues come to city council about regulating the industry and making sure everything is done properly. So certainly I believe the Gaming Control Commission has a big job to make sure the credibility of the industry is preserved and enhanced.

As you can see, over the last five or six years at least, since I was on city council in Niagara Falls, the local charities seem to be more and more dependent upon gaming. As we think of the possibility of a casino coming to Niagara Falls, you wonder what's going to happen to the other gaming. So my question to you is, do you think it's a problem that charities are becoming more dependent on gaming over the years?

**Mr Fera:** My knowledge of that is fairly limited, and



I'll be quite truthful with you. But if there is a problem, I would imagine that all the players involved would be identified and I'm sure that arrangements can be made or, I should say, that the process can be handled so that it's done fairly.

**Ms Harrington:** What about your background in municipal politics? Do you see that as an advantage in this position?

**Mr Fera:** As an advantage in what way, ma'am?

**Ms Harrington:** I'm just wondering if that background in municipal politics will be of help to you in your role on the gaming commission.

**Mr Fera:** I certainly do. I think the process that's involved through municipal politics is probably very similar to the type of process that will go on with the gaming commission as far as the regulations and the committee meetings and that sort of thing. As I said, I've been involved for many years in a consensus type of process and I think I can bring that to this commission.

**Ms Harrington:** Just basically dealing with people and working with people at the municipal level.

**Mr Fera:** That's right, yes.

**Ms Harrington:** I've been looking at some of our research that we got today on both the Gaming Control Commission and the Ontario Casino Corp, and I think in a lot of people's minds the difference between the two bodies is not clear. Could you explain to us your understanding of the difference between the Gaming Control Commission and the Ontario Casino Corp?

**Mr Fera:** My understanding is that the casino corporation is in place to specifically run the casinos. My understanding of the Gaming Control Commission is that it would be the body that oversees the legislation and the enforcement of the rules.

**Ms Harrington:** I think that's clear.

Now, what some people obviously say is that gaming, like drugs, is addictive and that we as a society in Ontario should be concerned about the amount of gaming that is going on. How would you on the Gaming Control Commission address this issue or how would you deal with the issue of it being addictive? Whether it's bingos or Monte Carlo nights or whatever, it's still addictive.

**Mr Fera:** Yes, I know that it has been an issue. I think that issue would be brought before the commission by the commissioners as a whole and I think, as I said before, all the players involved would deal in participating, and their input—I think really it's something the commission would have to deal with when it's in place.

1010

**Ms Harrington:** Are they dealing with it now, do you know?

**Mr Fera:** The commission isn't in place now.

**Ms Harrington:** The Gaming Control Commission?

**Mr Fera:** That's right.

**Ms Harrington:** It's not in place?

**Mr Fera:** The commissioners are not in place.

**Ms Harrington:** Okay. So it's something that you would like to look at.

**Mr Fera:** Yes, it is.

**Ms Harrington:** Oh, good. Okay, I'll pass to one of my colleagues then.

**Mr Drummond White (Durham Centre):** A couple of brief questions: As it presently stands, there's a huge number of real growth industries in gambling and bingos and Monte Carlos etc. I understand there are some 50,000 licences, mostly charities and things. As a municipal politician, I'm sure you've dealt with the many competing bodies, all of which want a bingo for a Saturday night. I know certainly in my community, in Oshawa, there was a great deal of controversy about an intended bingo hall in north Oshawa. People were saying, "Well, if that bingo hall goes in, then our bingo is going to go down the tubes." Yet, as my colleague was saying, many charities rely upon bingos. How do you, as a municipal politician, deal with those conflicting demands for licences and permission to operate games of chance for charity?

**Mr Fera:** I think the municipal role is really at the end of the process and really all we do is verify the licensing. Who is to determine? The criteria for the licensing are the gaming commission's, so from the municipal end of it, I really think we don't have a lot of control of that.

**Mr White:** Not from the municipal end but as a member of the commission then, you would be very sensitive to the fact that there are those competing requests in a community and there is a need for some kind of balance, a limited number of games, for example, in a community like Capreol or Sudbury?

**Mr Fera:** I'm sure when the commission is in place, that would be one of the issues that would be dealt with by that new commission.

*Interjection.*

**The Chair (Mrs Margaret Marland):** I'm drawing a blank.

**Ms Harrington:** Who is that handsome gentleman?

**Mr Randy R. Hope (Chatham-Kent):** Come on, Margaret. You never forget.

**The Chair:** I didn't want to say "Randy." Mr Hope, thank you.

**Mr Hope:** I want to ask just a couple of questions—

**Mr Robert V. Callahan (Brampton South):** We've been away too long. The Legislature's been away too long.

**Mr Hope:** Some of us would like to miss others a little longer, but Margaret never wants to miss me. We're on a first-name basis, right, Margaret?

**The Chair:** We are, definitely.

**Mr Hope:** There we go.

Legislative research does some work on public appointments that come before this committee. I want to ask two basic questions that are in this report. What is your understanding of the new legislation dealing with the Ontario Casino Corporation Act, and also the gaming legislation? I'm wondering if you could briefly explain to me what your understanding is of that.



**Mr Fera:** My basic understanding is that the regulations will be put in place to identify any problems and to uphold the integrity of gaming. Other than that, sir, my knowledge is very, very limited. Briefing material that I've requested is limited, as you can imagine, and I could only speculate on those items.

**Mr Hope:** Being as the briefing material is only limited, I guess my question would be to you, as a public appointment to a process, what is your understanding of the government's objective in establishing the Gaming Control Commission as a regulatory agency then?

**Mr Fera:** Well, gaming is here, and my understanding is that because it is here, there have to be regulations in place that will make sure it's performed in a fair manner and that the public at large would know that and would not be hesitant to engage in gaming.

**Mr Hope:** When you use the words "fair" and "the public"—and I'm going to ask you this; it's not in this briefing—if there were a public outcry, what would your decision be based on, public outcry or the ability to regulate appropriately?

**Mr Fera:** The rules have to be in place or the whole system falls apart. Basically, I think if you vary from the rules, you really do put the process in danger.

**Mr Hope:** Okay, thank you.

**Mr Callahan:** Mr Fera, I'm curious. I notice that you've been involved with a union—and that's not the thrust of my question. The thrust of my question is that many of these—well, the existing casino and I suppose any future ones—will likely be unionized. Do you feel that with your involvement with the unions before, should there become a labour dispute within the particular casino, you'd have any difficulty with that?

**Mr Fera:** No, I wouldn't, sir. I don't see my role as a union activist on this commission. I see my role as a possible commissioner representing the people of Ontario.

**Mr Callahan:** So you'd have no trouble then, I would gather, voting as a member of that control unit to perhaps prevent an illegal strike or to recommend to the government that perhaps measures be taken to ensure that the strike is brought to a quick end.

**Mr Fera:** I don't think that would be the job of the commission at all, no, sir.

**Mr Callahan:** You don't think that would be the job of the commissioner at all?

**Mr Fera:** No, sir.

**Ms Harrington:** They don't deal with casinos.

**Mr Callahan:** They're gaming control. Let me ask you this as well: What would you do as a member of the Gaming Control Commission in terms of attempting to avoid the possibility which we heard from the chief of police of Windsor about laundering of money?

**Mr Fera:** I'm sorry. I'm not familiar with that, sir.

**Mr Callahan:** Do you know what laundering of money is?

**Mr Fera:** Yes, I do, sir.

**Mr Callahan:** So you don't have any comment on that at all?

**Mr Fera:** I'm not familiar with the situation. I don't even speculate.

**Mr Callahan:** I see. I don't mean this in any disrespectful fashion, but I've read your curriculum vitae. What do you specifically see as the background that you have which would bring you to serve on this committee?

**Mr Fera:** As I said before, through my municipal experience, I think I've proven that I'm capable, that I'm competent in the work that I perform, and I'm sure I bring that to the commission.

**Mr Callahan:** I notice under, "Statement of Criteria About Which Intended Appointee Was Chosen: familiarity with charitable gaming." What is your experience with that?

**Mr Fera:** My experience is just through the municipality in which we deal with Nevada licensing and bingo licensing and that sort.

**Mr Callahan:** What did you personally have to do with that? What is your involvement?

**Mr Fera:** Being the deputy mayor of the town of Nickel Centre, those licences come before our council and we approve them or disapprove them and if there's a problem, we begin a process to investigate.

**Mr Callahan:** But personally, what have—

**Mr Fera:** I have no personal experience in gaming. I have no personal experience with charities other than local, municipal charities in trying to raise money for different organizations.

**Mr Callahan:** So what you're telling this committee is that your experience is simply that, as deputy mayor of that community, you had to listen to groups who wished to get a licence for the charitable gaming and that's the extent of it.

**Mr Hope:** I'm sure he'd like to have a game of blackjack.

**Mr Callahan:** That's what I'm trying to get at, Mr Hope. I'm trying to get at—do you know how to play any of these games?

**Mr Fera:** I don't gamble, sir.

**Mr Hope:** Then why don't you ask that question?

**Mr Callahan:** I see. You don't gamble. He doesn't gamble. Does that answer your question? What I'd really like to know is—this is going to be a position that's not going to be a learning experience; this is going to be something where you're going to be hot into it at the first meeting. Have you prepared yourself or has anybody provided you with briefing materials to let you know what this position's all about?

**Mr Fera:** The material that I've requested basically tells me what the commission is about. It doesn't go into any details about gambling per se; I think that's the job of the Ontario Casino Corp to regulate the kinds of games that are played. My experience, as I said, is through my municipal background in dealing with the different organizations that have applied.

**Mr Callahan:** With the greatest of respect, I have 26 years in municipal background and I would certainly not have any idea of what was expected of me if I were to be appointed to this commission. I would think that you



would have received extensive briefing material to at least prepare yourself for this position. I don't like to say this, but looking at your curriculum vitae and your telling us what you know about this, we could have anybody here before us applying for this job.

**Mr Fera:** I don't know that my knowledge of gambling is required to sit on this commission. I think my knowledge of being part of a regulatory body is probably the most important part.

**Mr Callahan:** Other than your municipal experience, what other experience do you have with reference to regulatory bodies?

**Mr Fera:** My municipal experience is my experience.

**Mr Callahan:** How many years were you on municipal council? Is that in your CV?

**Mr Fera:** Seven years.

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**Mr Callahan:** Seven years. You were elected first, I guess, as an alderman, were you?

**Mr Fera:** That's right.

**Mr Callahan:** Then re-elected?

**Mr Fera:** Yes.

**Mr Callahan:** Two elections?

**Mr Fera:** I was elected as deputy mayor, and this is my second term as deputy mayor.

**Mr Callahan:** I see. What committees did you chair while you were there?

**Mr Fera:** I was the vice-chair of the planning committee for the region of Sudbury. I sat on the health and social services committee. I am, as I said, the deputy mayor of the town of Nickel Centre. I'm chair of the budget committee, transportation committee and various other minor committees like policy and project committees.

**Mr Callahan:** Did you serve on any of those committees in your first term as a municipal councillor?

**Mr Fera:** In my first term I served on the town of Nickel Centre municipal committees, which are transit and that type. As deputy mayor, I also sit on Sudbury regional government, and that's why I've been sitting on their committees. It's a two-tier system.

**Mr Callahan:** I want to go back to what kind of briefing—

**The Chair:** Mr Callahan, just to warn you, Mr Cleary would like a question, and there are only three and a half minutes left.

**Mr Callahan:** Oh, sorry, go ahead, John.

**Mr John C. Cleary (Cornwall):** Welcome to the committee, John. I'm sure you, as a municipal politician, do have concerns. Up till this point, do you have anything that's outstanding in your mind of the material that you've read up till now about backlogs and all this stuff? I was a municipal politician too for a lot of years and I know what municipal people ask of you. Do you have any concerns about anything that you've read up till now?

**Mr Fera:** My only concern, sir, is that the gaming commission carries out a fair and honest process. I guess

that's the concern of the government, and that's why this commission is being put in place.

**Mr Cleary:** I know that with any commission that's ever set up a backlog always forms, and that gets residents that are applying very concerned. My question is, do you know how often your committee will be sitting?

**Mr Fera:** No, I don't, sir.

**Mr Cleary:** You don't know.

**Mr Fera:** No, I don't.

**Mr Cleary:** Are you concerned about a backlog?

**Mr Fera:** I haven't really thought of it, to be honest with you, sir.

**Mr Cleary:** I guess those are my questions.

**The Chair:** Thank you very much. Mr Curling?

**Mr Alvin Curling (Scarborough North):** I have none at all at this time. So good luck to you.

**Mr Fera:** Thank you.

**Mr Curling:** Send some of those profits to Scarborough.

**The Chair:** Mr McLean?

**Mr Allan K. McLean (Simcoe East):** I'm finished.

**The Chair:** Oh, you're finished. All right. Thank you very much, Mr Fera, for your appearance before the committee this morning.

GLENN BUCHANAN

Review of intended appointment, selected by official opposition party: Glenn Buchanan, intended appointee as member, Gaming Control Commission.

**The Chair:** Our next intended appointment this morning is that of Mr Glenn Buchanan.

**Mr Curling:** Welcome to the committee. I presume that the questions that are going to be asked from now on will be the same questions. You have a good understanding of the legislation? Are you coming into this appointment with a good understanding of this legislation?

**Mr Glenn Buchanan:** I have an understanding of what the commission is expected to do. I wouldn't say that I have expertise in the actual legislation, no. It's my understanding that we have a meeting scheduled for March, two days where we'll have an opportunity, through the chair of the commission, to get a briefing on the actual legislation. I've seen the legislation, but I must admit I haven't read all of the regulations.

**Mr Curling:** Could you tell me, Mr Buchanan, what the criteria and the qualifications are that you bring to this board that you think would be beneficial to this board?

**Mr Buchanan:** It's my understanding that the commission is there to make sure, as my colleague just said, that there's honesty and integrity within the gaming community. I'm a representative of a trade union and represent workers. I have an understanding of conflict and resolution of conflict. I currently sit on seven sectoral committees, including co-chair with both the federal and provincial sectoral committee. I think one of the biggest things I would bring forward is an ability to work cooperatively with a commission such as this to ensure that it can function properly.



**Mr Curling:** Recently, over the last couple of months, many of the appointments that were made here have been questioned as to the fact that they are associated with the NDP or the labour unions, and quite a few people who have come before us, although they are, are quite qualified themselves. How would you respond to a question that would say it's because you are a member of the labour union that you got this appointment?

**Mr Buchanan:** If that was to be said, I think I would be the only person on the commission who would be there representing labour, and I don't really see that that would be wrong. This is a new industry. There will be a lot of workers involved both in the Windsor casino and in charitable gambling, and I think it's important that workers' viewpoints be brought forward. The Ontario Federation of Labour represents 800,000 workers. They are citizens of Ontario and have concerns about gaming the same as anyone else. I think that as a result of being a representative for workers for the last 18 years, it gives me an opportunity to reflect some of the concerns that working people have about this industry.

**Mr Curling:** So you're saying that your experience, then, from that point of view, will be beneficial, which you explained.

**Mr Buchanan:** I think so, yes.

**Mr Curling:** How would you respond to the concern of some of the non-profit charitable organizations that have been raising money for their cause over the years? They feel that casino gambling, or gaming, will take away or distract from them some of those moneys that would have really come to them and they find it more difficult for them to raise funds to advance the cause they believe in.

**Mr Buchanan:** I'm sure there's a lot of concern in the community and within the charities that this would be an issue. I think the commission is going to have to address the issue. I haven't formed any opinion as to a solution to it, but it's something that will be, I'm sure, addressed within the commission as time goes on. Prior to the casino being brought in in Windsor, there have always been lotteries and so on. There has been an opportunity for people to spend their money in a number of different ways besides charity bingos or those kinds of things, but it's certainly an area that I'm sure is of concern and that the commission will address.

**Mr Curling:** Yes, lots of people have come to me in this regard and are extremely concerned that the government—and I'm not blaming this government. All governments now are looking at how they distribute money, although of course lately I've seen a whole bunch of cheques thrown around to many organizations—

**Mr Hope:** I've seen Peterson do a lot more. I remember he used to stand—

**The Chair:** Excuse me. Mr Curling has the floor.

**Mr Curling:** I thought Mr Hope was being appointed to this commission, the way he's talking, and I even lost my trend because of that rude interruption there.

**Mr Hope:** I apologize for interrupting.

**Mr Callahan:** Could we have that time not taken from us, Madam Chair? He's interrupted my—

**The Chair:** Mr Curling has the floor. Would you continue. There are five minutes left.

**Mr Curling:** Looks like I rattled the cages over there. It may not be the same question, because I don't know where I was at. I was saying that private, non-profit groups have tremendous concerns, because government funding that was coming to them in the past will be cut off somehow because of restraint and lack of funds in respect of this quite recessionary time when government is looking to cut programs and to be as fiscally responsible as it can. So the concern that they have in this regard is rather genuine in itself, that when there's a shortfall in government funding, they go out and look for funding through some sort of lottery or so on. They feel that when the government is competing with them in that respect, the shortfall will be quite severe in that area.

I presume the board will be discussing issues like that from time to time, how we distribute the funds. Do you feel that you'd have any input, influence, in the fact of sitting on the board that those organizations should be looked at in how funds should be given to them in regard to carrying on their work?

**Mr Buchanan:** As I said, I don't really claim expertise in this commission prior to being a member, but I would certainly think that's an issue for the Legislature as opposed to the commission. How the government decides to distribute funds or take care of charitable organizations I think is an issue for the government, not the commission.

1030

**Mr Callahan:** Mr Buchanan, I've looked at what you've provided to the committee and I don't see any experience there whatsoever for this particular job and you've not helped me with your answers to the questions here. I also note that you're the president of the union.

**Mr Buchanan:** I wish I were but no, I'm not. I'm a national representative.

**Mr Callahan:** All right. Is that going to interfere with your job, with this appointment, if you get it?

**Interjection:** He's got it.

**Mr Buchanan:** My organization has authorized me to participate on this commission.

**Mr Callahan:** My colleague says you've got it. You probably do. This committee is just something unbelievable.

In any event, Mr Buchanan, do you know what laundering money is?

**Mr Buchanan:** Yes.

**Mr Callahan:** What is it?

**Mr Buchanan:** When somebody takes profits from an illegal activity and tries to put them through an organization to have that money come out on the other end shown as a profit or a legitimate enterprise.

**Mr Callahan:** You say you have absolutely no experience about what this appointment's all about and—

**Mr Buchanan:** I haven't been appointed to it yet, so I don't—

**Mr Callahan:** Well, look, this is just a charade. We don't get to say anything. This was set up by the govern-



ment just to make it look like we approve these appointments, but we really don't.

What I'd like to know is, you've told us you know nothing about what the duties are. Were you not given briefing materials by the government or anybody as to what this job's all about?

**Mr Buchanan:** I'm disappointed to hear that there's no value in my being here, because I did take time to come down here today to be available to you. I didn't say that I don't know anything about it. What I said is that I don't claim expertise in a field that I haven't been appointed to yet. I was provided briefing material by the commission. I have reviewed that material to some degree. It's a binder approximately four inches thick that includes the regulations, legislation, some press clippings, some comments.

**Mr Callahan:** Who supplied that to you?

**Mr Buchanan:** The commission.

**Mr Callahan:** I see. Okay. And—

**Mr Buchanan:** What I was going to say is—

**Mr Callahan:** Sorry, go ahead.

**Mr Buchanan:** —I haven't had an opportunity to go through that four-inch binder and read every word, so I would hate to appear before you on the basis that I am claiming expertise in an organization or in a commission that I haven't yet sat on or been approved to.

**Mr McLean:** Welcome to the committee. This commission, I believe, is going to be one of the most important ones in Ontario because of what is happening with regard to casinos and other gambling in Ontario. I think you're going to have a big job controlling all the aspects. Will the gaming commission make recommendations if there are going to be more casinos? I wonder, is that part of their jurisdiction?

**Mr Buchanan:** It's my understanding that the government itself makes decisions on further casinos. We are an advisory committee on regulation and as such our commission, I understand, doesn't make recommendations on location of or the number of casinos. That's a government issue.

**Mr McLean:** I'm curious: There have been no studies done from the one in Windsor to see what the impact has been on the local community, and with the announcement of any further casinos it worries me a bit to find out what has happened with the ones that we have. I know in my riding the aboriginal people have been allotted a casino. There have been no impact studies done to determine what the benefits or non-benefits of the community are going to be. I was just curious if the commission was going to have any input to try to see that there were some studies done or how many more casinos we should have in Ontario. You're telling me that you don't think the commission gets involved in that.

**Mr Buchanan:** As I say, I don't think that they do. I think that's an issue the government itself deals with as to a decision on how many or where casinos are located. We are, I understand, a regulatory body that ensures that the integrity and honesty of this industry is maintained. It deals more with the regulations of the operations as opposed to the picking of a site.

**Mr McLean:** Would that be the same for, I guess, the Ontario Lottery Corp? Would you oversee their jurisdiction?

**Mr Buchanan:** No, we don't deal with the lotteries, nor do we deal with any of the operations of the actual casino. We deal with regulations and registration for those people who are doing business with the casinos. People who are dealing with the casino or with charitable gaming have to register to ensure that they don't have ties to organized crime, that they are honest people. I believe that's the main function of the commission.

**Mr McLean:** Would your commission have any input if you wanted to open some more bingo halls or allow more Nevada tickets? Do they have any input into that?

**Mr Buchanan:** I understand that the people who run bingos or Nevada tickets have to register with the commission. I believe it's legislation or the government that determines the number of them. There are, I think, set criteria as to the number of charitable bingos or the gaming that goes on within the province. Those that apply are dealt with by the commission.

**Mr McLean:** "The separation of functions between the Gaming Control Commission and the Ontario Casino Corp," it says here, "should ensure the independence of the former and prevent any perceived conflict of interest." Would you comment on that statement with regard to the separation of the Gaming Control Commission and the Ontario Casino Corp? Are you aware of anything in that, that they are kind of separate?

**Mr Buchanan:** Yes. The casino corporation is responsible for the actual running of or managing of and ownership of the casino. The commission has no authority in the running of the casino but is there as a regulatory body to ensure that those people who are either hired or do business with the casino register, that there's a background check done on them and to ensure that there is no conflict as far as the honesty of their applications.

**Mr McLean:** Thank you. I wish you well.

**Mr Sterling:** I'm interested in this Gaming Control Commission from the standpoint that I think it will be an interesting commission in a lot of ways, but one of the things that appears to me is that there are going to be some difficulties in dealing with somebody whom the commission has concerns about.

What will you do if you get somebody who wants to run a charitable bingo or wants to be involved in a casino in some way and there is some question as to the integrity of that person but the evidence isn't clear-cut? If somebody has a criminal record, are they automatically excluded? How do you make the decision point and how are you accountable to that person?

**Mr Buchanan:** I understand that on the staff of the commission there are a number of OPP who have been seconded to the commission and that they do the background investigation for people who are making application. I don't know enough yet to say what the criteria are that they use to deny people. I believe there's a three-person commission that they can appeal to.

If our commission makes a decision, there is an appeal process separate from our commission. So if I'm denied



registration, I can appeal to—and I may be wrong about this because I understood that there was an appeal committee, commission, separate from our commission that they could appeal to. I don't know what the OPP standards are or what the commission has set as standards for an application.

1040

**Mr Sterling:** I guess there's an opportunity for a bit of a problem in terms of your relationship with the labour movement if in fact someone within the labour movement was trying to be involved. What would you do if, for instance, someone from the labour movement came to you and said, "Oh, you know that Joe is up in front of the commission and he's asking to be registered as a dealer in the casino"? What would you say to that particular labour movement person?

**Mr Buchanan:** When I applied and was interviewed for the job, one of the first things that was very clearly pointed out is that, in the event of a conflict of interest, it should be declared, and I have no difficulty with that. We had to go through, in this application, an extensive background check on ourselves, and I'm an honest person.

I may be wrong because I haven't participated yet, but I don't believe the commissioners themselves get involved in the actual approval or disapproval of individual applications. I don't see that an application that was submitted would be an issue brought before the commissioners. I think what we'll be dealing with is giving advice on policies of the commission itself to make determinations.

I'm not sure that I would be any different from any individual on that committee as far as being approached is concerned. I may be approached, and I would declare that I had been approached to the other commissioners and would exclude myself. But I don't see that individual applications would come before us.

**Mr Sterling:** I read that the mandate of the commission is to make certain that casinos are not damaged by the reputation of people who might adversely affect the credibility of that "industry," so I thought the commission would be faced with those tough decisions.

**Mr Buchanan:** There is a fairly extensive staff. I understand there's approximately—

**Mr Sterling:** The staff will advise you, but somebody's got to make the decision. The staff are not turning down the licence or the registration. I'm sure the commission must.

**Mr Buchanan:** I'm sorry. As I say, I haven't been part of the commission; we haven't had a meeting. I would assume it's an administrative thing, that the commission staff would deal with normal applications. I would understand that we wouldn't be dealing with a specific application brought before us about whether an individual would be allowed to be registered. I'd be quite surprised if they were. If they were, as I said, I'd have no problem in declaring myself having a conflict if somebody had already approached me on it.

**Mr Hope:** I want to go to your résumé. Mr Callahan made the comment that he doesn't see anything in what

you've said today nor in your résumé to indicate you have the ability. In here it says "with honesty, integrity and the public interest" as one of the criteria for how a commissioner must act or is mandated to act.

I notice in your application that you've now been involved 18 years with the labour movement. You've served on the Canadian Labour Congress environmental committee, which shows a public interest; the environment is of public interest and people play an active role in that. You've co-chaired the Canadian Plastics Training Centre, co-chaired the ministerial advisory committee on plastics. That tells me there's public interest, there's integrity, because you've been asked to be the co-chair. Somebody must believe you have the ability, contrary to what the opposition was just saying about your ability to function on this committee. The ministerial advisory committee on chemicals: That's another part of your job.

**Mr Callahan:** Why don't you just read it into the record?

**The Chair:** Excuse me. Mr Hope actually behaved very well when you had the floor, Mr Callahan.

**Mr Callahan:** No, he didn't.

**Mr Hope:** Thank you, Madam Chair. I'm glad you recognize my cooperation.

What I read in this résumé, and looking at the criteria that have been the mandate of the commission—I mean, we can all throw hypothetical questions about laundering of money. You're absolutely right: You're going to have police who are actively involved in working with the casinos and making sure in every possible way, but we all know there's no such thing as a 100% checkup on anything. When questions are being posed about laundering of money, you don't know whether that's inside, outside or where it's coming from, and that's why other laws and other people are there to do that.

When I look at your role and responsibility in this commission, it's going to be a challenge and it's going to be something new. But to raise the question of whether you have the competence—I guess because you don't have a lawyer's degree with keys to the Don Jail he asked the question about whether you have the ability. But when I look at the responsibilities that have been bestowed upon you to represent a lot of workers—and we're not talking about 40 or 50 people; we're talking about a huge number of workers—I believe you do have the credibility, and I want to put that on the record. I know it's not a question, but I wanted to make sure it was stated on the record, because if you only read the part of Hansard where he asked you questions, it would lead somebody to believe that your résumé is not significant. Your résumé is significant. In 1980 the Commonwealth study conference—I mean, it is there, and I believe it's important to make sure that part of your résumé is put forward.

My basic question to you is simply about the legislation itself. I'm not going to ask you hypothetical questions, what you do about that stuff. I want to ask you very specific questions about the legislation. Could you explain your knowledge of the legislation to me?

**Mr Buchanan:** As it deals with the commission?



**Mr Hope:** As it just deals with the legislation. What is your knowledge of the basic legislation?

**Mr Buchanan:** It's a fairly lengthy piece of legislation.

**Mr Hope:** Just give me some rough—I don't want everything.

**Mr Buchanan:** I understand that what we will be doing as commissioners is to ensure that the people who deal with this industry have honesty and integrity. That's a concern that the government has, it's a concern that I have as a private citizen of this province, and that's one of the reasons I volunteered to participate on this commission.

The legislation setting up this commission ensures that those people who are actually running the casinos have some checks and balances to ensure that it's done right. I understand that what the commission will be doing is overseeing those people who have dealings with the industry and making sure they have some honesty and integrity and that there's financial responsibility back to this province and the public.

**Mr Hope:** I'm going to bow to my colleagues. I wish you success in this job. Let's hope Lyn McLeod's not the Premier, because we don't know yet whether or not she supports casinos. We're trying to balance that out. It depends where she's at in the province, whether she says she supports it. But good luck in your job.

**Mr White:** No, no. We know that Lyn McLeod supports casinos in Niagara Falls and Sault Ste Marie and nowhere else in the province.

Regardless, Mr Buchanan, welcome to the committee and thank you very much for coming. I want to apologize for some of the actions of at least one of my colleagues. Not everyone, of course, given their professional background, has hands-on knowledge of money laundering. That requires a certain kind of special knowledge.

You clearly indicated your knowledge of the difference between the casino corporation, which is a management corporation, and the gaming commission that you would be looking to joining. I hear what you're saying in terms of the regulations and ensuring that there is a quality of applicants, that those people are honest and show integrity and that the work they do is for the public benefit. Do you think there is a role as well for this commission to comment to the government in terms of the structure of gaming, the degree to which we have competing interests in various communities and also, of course, within a province-wide community?

**Mr Buchanan:** Not only do we regulate in terms of who participates within the industry, but we also have the responsibility of control and approval of the actual games that take place. We would as commissioners, I'm sure, be making recommendations to the government, but we have no authority as to the locations or number of casinos. That's why I say that's an issue the government itself would deal with.

I'm speculating, as, not having been there yet or participated, I can't say what issues come before it. There are obviously issues of concern, and I'm sure we would be making recommendations back to the government on

issues such as was asked me, about the concerns about charitable gaming or bingos, that they have an opportunity to continue to raise funds for charities. I'm sure we would deal with that in terms of making recommendations back to the government, because issues will be brought before the commission on that.

1050

**Ms Harrington:** You're from Toronto, are you?

**Mr Buchanan:** I live in Stoney Creek. I work out of Etobicoke. It's all one big area, as Toronto.

**Ms Harrington:** I have two concerns. The first is the confusion we seem to be hearing here with regard to the role of the Ontario Casino Corp and the Gaming Control Commission. I want to point out that in the research we are provided with, the first eight pages actually deal with the Windsor casino and the Ontario Casino Corporation Act, which I think is misleading with regard to the Gaming Control Commission, because the mandate of the commission, as you have said, is clearly for all gaming in Ontario, to ensure its integrity and policies that ensure that.

I also want to point out very quickly to Mr McLean that studies are being done on the casino—and we'll get to that probably with our next appointee—before any other casinos are going ahead.

I want to pick up on what my colleague was talking about: the viability of local charities. There is a growing dependence upon gaming across this province, and with the situation of Windsor and/or other casinos, what is going to happen to those local charities? I see that as clearly an issue for your commission, and also the issue of addiction. People within our party and across the province are concerned, with the introduction of casinos, as well as all the bingo halls which are very clearly here, that the question of addiction be addressed, that it not be hidden, that the numbers be there and we look at how we can deal with it. Would you like to comment on that?

**Mr Buchanan:** On the charities, my understanding is that it's a different clientele that participates in the charity bingos. I understand that 80% of the clientele in the Windsor casino are Americans; they are coming there. With a \$10 limit on charity gaming, it's a different clientele that wants to participate at the Windsor casino as compared to those who participate in bingo or charity bingo. I don't see the clientele that go to bingos also going to a casino. A bingo is a totally different thing.

There is concern, though, over the effect and impact casinos will have on charities, and it is an issue that I'm sure will be brought before the commission. I don't have any solutions or any recommendations at this point. I'd be very interested in participating in those discussions, because I believe they have the right to participate and earn moneys for the good of the public.

In terms of addiction, I was pleased to see that the Ministry of Health had announced funding for addiction research to those organizations that deal with addiction. Those foundations and addiction research places were in place before the casino in Windsor came to Ontario, so this has been an ongoing problem that they've addressed. I understand that the ministry is setting aside an annual



budget of \$1 million to assist those organizations to deal with that issue. I don't know that the commission is going to be in a place to actually deal with addiction, but it's certainly something that will be brought before the commission and will be a subject for discussion.

**Ms Harrington:** Thank you. We appreciate your attendance.

**The Chair:** Thank you, Mr Buchanan, for your appearance before the committee this morning.

KEN SIGNORETTI

Review of intended appointment, selected by third party: Ken Signoretti, intended appointee as member, Ontario Casino Corp.

**The Chair:** Our next intended appointment review is that of Mr Ken Signoretti as a member of the Ontario Casino Corp. Welcome to the committee.

**Mr Ken Signoretti:** Thank you, Madam Chair.

**Mr McLean:** Good morning. Have you been to the Windsor casino yet?

**Mr Signoretti:** No, I haven't.

**Mr McLean:** Have you been to any casino?

**Mr Signoretti:** Yes, I've played a few games myself, once in a while.

**Mr Sterling:** How'd you do?

**Mr Signoretti:** Actually, the last time I was in Vegas I did pretty well.

**Mr McLean:** The commission and the corporation report to different ministers; that's the gaming control and the casinos. Do you think it would be more appropriate if there were only one minister involved in the whole gaming aspect, lotteries and casinos?

**Mr Signoretti:** No. As I understand it, from what I've read and what I know of the casino in Windsor, I think what they're trying to do is separate the two in terms of reporting as regards gaming, in terms of the games themselves and in terms of running as the casino commission. I think it's a good idea that in fact they are separate.

**Mr McLean:** The corporation you're being appointed to has made some recommendations and some changes to the proposed and permanent casino in Windsor. Are you familiar with any of those changes they are proposing?

**Mr Signoretti:** I have to be very frank with you. I really don't know that much about the casino itself. All I understand is what I've read about it. I understand that there's an interim casino right now, that at some point in time a permanent casino is going to be set up somewhat closer to the downtown area. They're in the process of doing that, and I imagine it would take some time to do that. That's all I know, but my only guess would be that, as there was concern and there were people who wanted the casino going, I guess the government probably went ahead with a temporary casino.

**Mr McLean:** In your briefing notes, have you noticed where there have been any studies taking place? Mrs Harrington said there have been studies going on; I haven't heard of any. Are you aware of any?

**Mr Signoretti:** No, I don't know.

**Mr McLean:** Do you feel that perhaps, before other

sites are named or established, there should be some impact studies done on that community to determine what the results would be?

**Mr Signoretti:** Let me go back; maybe I didn't quite understand the question. Let me ask you a question, if I might: Are you speaking to the issue of where they wanted to locate the casino itself?

**Mr McLean:** That's right.

**Mr Signoretti:** Sorry, I misunderstood. I know a number of people in the Sault and people in, for example, Niagara Falls and other places who wanted it, because we've had contact with the labour councils, who've been, in some instances, promoting it. So there have been studies done.

As far as the Windsor one is concerned—and I'm just giving you my own personal point of view of the whole issue, and that's from an outsider at this point—it probably made more sense to put it in Windsor, at least the first one, because of the market within Detroit and because, as I understand it, some of the surveys showed that the patrons would be mostly Americans. It would make sense to have it in Windsor where you'd have a larger population wanting to use casinos.

**Mr McLean:** Minister Lankin has indicated that the city of Windsor will not share in any casino profits. Would you think that any municipality or area that has a casino should get some of the profits?

**Mr Signoretti:** No, I don't. I think they should share in—let me clarify that. A casino obviously brings in other things, impacts and spinoffs that the casinos would bring in, and I think the community should benefit from that. But as it's the provincial government doing it, the responsibility for the provincial government is basically the whole province and I think the province as a whole should share.

Without knowing really what's happening, I would think that they are right now, for example, within Windsor benefiting from some of the spinoffs as a result of it, that other communities, I'm sure, would like to get in on.

**Mr McLean:** They're talking about the construction of a marina on the Detroit River. Apparently there are some negotiations going on now between the city and the corporation. Are you aware of any—

**Mr Signoretti:** I don't know about details or anything, but I've heard that there are discussions going on.

1100

**Mr Sterling:** Thank you very much for coming to the committee. You obviously have involved yourself in the community to a large degree with the United Way, and I congratulate you on your work in the past with those and bringing the labour movement—

**Mr Signoretti:** I worked with your Chair in Mississauga.

**Mr Sterling:** Well, then I doublecongratulate you. I don't think she quite understood that.

One of the problems I have with crown corporations, particularly those that are involved in a monopoly, as the Ontario Casino Corp will be—and my concern is with the



Ontario Lottery Corp, which, in reviewing its most recent annual report, from 1993-94, its expenses rose more than the amount of net profit that the province received out of the increase in the lottery sales from 1993-94.

I guess of all of the kinds of financial corporations that I would like to run, it would be one where I had a monopoly on the business and therefore, really, I knew there always was going to be a profit at the end of the year. I guess one of the problems that I see in doing this is, how do you limit the expenditure of the casino corporation? You will always have a profit, because you're in a business where there will always be profit. It's a rosy picture to be a director of, because you know that regardless of what happens, there's a very, very good chance that, unless you really fumble the ball or there's a huge shift in the market, that's going to be there.

Therefore, when you come, for instance, to negotiating with the union, how are you going to draw a bottom line with them? You could pay them twice as much as they're getting and still produce a profit. It's very difficult. This is a problem that I always have when you're talking about, for instance, liquor stores in Ontario, another monopolistic situation. How much is a clerk in a store worth? If you go around the corner to the competing private jurisdiction, which doesn't have a monopoly, the clerk is getting paid very much less. So there's a balance between trying to give the person a fair wage and the fact that you've got sort of a limitless chequebook. How are you going to balance that?

**Mr Signoretti:** First of all, you're asking me if I'm going to deal with the union. I don't know that I do deal with the union, as a member of the board of directors. Secondly, I guess my position would be, as it has been in other areas when I've done my volunteer work, whether it was the United Way or the Institute for the Prevention of Child Abuse, you have to make value judgements on where you can get involved and where you can't get involved. But I don't know—and I say this very sincerely, Mr Sterling—what the role of the board of directors is in the fact that it gets into the day-to-day negotiations. I assume that's the union itself that would do that.

**Mr Sterling:** I would imagine you would represent the management side of the equation in this.

**Mr Signoretti:** I've done that in my role as the executive vice-president of the Ontario Federation of Labour. Let me tell you I've done that. In my roles as the president and vice-president of the Labour Council of Metropolitan Toronto I've done that. Sometimes it's hard trying to balance the two hats, but I guess you have to do that at some point.

**Mr Sterling:** I look at political appointments perhaps a little differently than some other people. I don't mind politically motivated appointments. I believe that the government in power should have the right to appoint its own to various government agencies. I don't think that that's wrong. I think that's part of our democratic system.

You're obviously closely associated with the New Democratic Party. I see no negatives in terms of them choosing you, because I think you're a well-qualified person as well in terms of your job.

What is your view in terms of if the government should change? Appointments where obviously there is a close political link, do you think that those appointments should end?

**Mr Signoretti:** First of all, I don't know how long the appointment is going to be for. Secondly, it's the government of the day that makes that decision. If they felt that was an impact, then they'd make a change. I would have no control. I wouldn't gripe about it.

**Mr Sterling:** Okay. Thank you very much.

**The Chair:** Thank you, Mr Sterling. Actually, in reference to your comment about the Chair, I would state on the record that in my opinion, Mr Signoretti was a tremendous member of the United Way board of Peel: very contributing, very capable. You do have a chance to withdraw your comments about this Chair, however.

*Interjections.*

**Mr Sterling:** Madam Chair, just a matter of clarification: I just said that it was wonderful he could work with you.

**Ms Harrington:** Take that any way you want.

**The Chair:** This is a new year. I'm going to take it the best way I can. Ms Harrington and Mr White.

**Ms Harrington:** Thank you, Madam Chair, and these are your colleagues over there.

I wanted to explain a little more clearly to Mr McLean—and it wasn't to you that I remarked—with regard to the report that this government is involved in on the Windsor casino. There was a report issued to the government in, I believe, October. It was a three-month report on the operations which began on May 17. It included the social impact on the city of Windsor, the community; the policing aspect; the transportation—that is, traffic and parking downtown; as well as the amount of money returned to the government and the economic spinoffs in the city and the impact on, say, local businesses downtown.

All of these things were studied after three months and the minister then announced—it was November 5, Thursday, in the House—that as of one year, which would be this coming May, there would be a further evaluation, a one-year evaluation, which she felt and the government felt would be needed to look at what happens to those lineups right around the block in downtown Windsor last summer. Would they continue in February? Is this just a startup phenomenon or is this going to be a constant that we can count on? So that's what the government decided, and there certainly is material available now as to what happened in Windsor and there will be a further complete study, which is in May.

I want to thank Mr Signoretti for becoming available for this type of work. It certainly is going to be an important one, I believe, of course, because I represent the city of Niagara Falls.

**Mr Signoretti:** Yes, and we've had conversations with Kim Craiton too.

**Ms Harrington:** Oh, good. It's a constant topic, of course, absolutely constant in Niagara Falls with regard to the economics of the situation. We certainly are



looking for jobs. Our manufacturing has been decimated, but also the people who are involved in the tourism industry are looking to see what the future of tourism is going to be.

Our government has put a lot of effort into the tourism strategy and working with the city to be a gateway to the province. We're putting a lot of effort into bringing tourism to a new plateau in Ontario and having Niagara Falls as a key to this. Certainly a casino is part of that picture and people are waiting to see when the decision comes because it's a very important part of our whole economy.

My question to you is, so far Windsor has been an undisputed success. Why do think that has been?

**Mr Signoretti:** A lot of Americans coming and spending their money.

**Ms Harrington:** Okay. Bringing in foreign currency is what you're saying: bringing money into our economy, not just recycling Ontario dollars.

**Mr Signoretti:** That's right. But I think it's been successful too because, as I understand it also, as I mentioned earlier, and I talk to the people from Windsor a lot, they feel it's really helped their community, helped in terms of the hotel situation, in terms of all that. So there have been spinoffs.

**Ms Harrington:** From our point of view, what we want to do is to maximize the potential economic spinoffs—I'm talking as a government now—across Ontario, so that locations that we then pick are the ones which have to show that they have maximum benefit. How can the casino corporation be involved in ensuring that casinos, or a casino—well, we have two already that have been announced—will be a maximum economic benefit to this province and to the local community?

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**Mr Signoretti:** How they can be of benefit?

**Ms Harrington:** How do you maximize the economic spinoff?

**Mr Signoretti:** I really haven't given it that much thought, very honestly. I would assume that you maximize it by having the casino close to the area where there's the business and where it becomes available to people, to the use of the community as a whole. I think that's one way of doing it. I haven't really given it a lot of thought other than that.

**Ms Harrington:** The other thing I would like to point out to you is the question of Ontario's racetrack industry. I know in Windsor there has been an economic benefit, so when we talk about maximizing economic spinoff we're not hurting any other industry. It has worked well in some kind of partnership there and I would certainly hope that in our area—we have a racetrack as well—that will be taken into account, to see how those two can work together for the benefit of the whole region of Niagara as well as the province.

**Mr Signoretti:** I don't know this, but I would imagine that people who go to racetracks go to racetracks. They are not necessarily the same clientele that would use a casino or play bingo or whatever, so I think there's probably room for all of those charities, because you

would have specific clienteles. As I understand, and I've talked to some of the people from—Marty Coomb in particular told me that was one of his concerns too, is it going to take away from the racing, and it didn't. It's enhanced the racing—

**Ms Harrington:** I just wanted to make sure that is considered.

**Mr Signoretti:** No, it's true. I mean, when I say it's true, I accept his word at face value.

**Ms Harrington:** I'll just point out one other thing before I pass to my colleagues. With 12 million visitors coming to the city of Niagara Falls, what we are finding now is our market is expanding to the people from the Pacific Rim and what we have been told is that they very much do like to gamble and that this would encourage them to stay at least one more day within our city if we had that option of having a casino available. So our people there are very much in favour of it.

**Mr Signoretti:** Do I detect a message in there?

**Mr Sterling:** I don't think so.

**Mr Hope:** You wouldn't be lobbying for a casino?

**Mr White:** I think we hear heavy-duty lobbying for a casino somewhere else in the province. As the president of the Federation of Labour you have—

**Mr Signoretti:** Not the president. Gord would be the one, if you want to argue with Gord about this one.

**Mr White:** Vice-president, excuse me. I know the president. He lives quite close to where I live, as a matter of fact, a fine man. But as the vice-president or in an executive role with the Federation of Labour as a full-time position, you are in fact in management, are you not? So although you have strong union connections and are probably still a member of a trade union or labour movement, you are in fact a member of management?

**Mr Hope:** He's an administrator.

**Mr Signoretti:** I mentioned before, Mr White, that in my capacity you deal with the staff, and I did that at the labour council and I also did that when I was the area coordinator with the Steelworkers. Sometimes it's difficult trying to walk that fine line, but you have to do that.

**Mr White:** So in that capacity, though, you are familiar with that kind of fine line—

**Mr Signoretti:** I am.

**Mr White:** —with making those kinds of distinctions on an ongoing, regular basis. As a member of the trade union movement and also within your capacity with many voluntary organizations like United Way etc, you are familiar with the importance not only of labour being represented, but also of there being representation from business and corporations. Would you have any objection to a representative of, say, Labatt's or some other large corporation being on the casino corporation?

**Mr Signoretti:** No, not at all. If I might just add to that, one my tasks in my capacity at the Labour Council of Metropolitan Toronto—with the United Way of Greater Toronto we set up a joint management-union committee to try to bring together both parties in terms of fund-raising. I don't see this any differently. I have no problem with that at all. I think everybody from the



community, all segments of the community have something to offer and they should be able to make that offer.

**Mr White:** I understand that you've been involved with the United Way, you've been able to work successfully with people from a number of different groups corresponding to political parties etc. I'm wondering also, with that kind of a social bent, if that would give you knowledge of the kind of problems that we've heard about, concern about problems with gambling addiction and the psychosocial effects that a casino may engender.

**Mr Signoretti:** Forgive me; maybe I'm not understanding. Are you asking me personally, as a person, how it would affect me, or are you—

**Mr White:** I'm asking you if you're aware from your involvement with the United Way and other social agencies.

**Mr Signoretti:** I'm sorry. Yes, absolutely. I guess as an individual representing the Ontario Casino Corp, we would have to do everything that we can to try to make sure that these things don't happen, that in fact people just—I think that's part of the role we have.

**Mr Callahan:** I have a couple of questions. In your capacity as a member of that board, you're going to be recommending policy to the government. For instance, the one policy that you will probably recommend or have to consider recommending is the question of expansion of casinos. The minister of the day indicated to the Legislature that she would not enlarge the casino—this is the Windsor experience—until one year had passed and she'd had a report to the Legislature. We understand from our research that there is in fact consideration by the corporation of a riverboat adjunct to the interim casino. Are you familiar with that?

**Mr Signoretti:** I've heard of it, yes.

**Mr Callahan:** What would be your position in terms of first of all the public or the Legislature being told that there would be no expansion and the corporation considering, at the moment, an increase by a riverboat operation? What position would you take as a member of the corporation?

**Mr Signoretti:** Without being on the board and without having direct knowledge of anything, all I can do is give you a personal opinion on it. I would say that if I were developing something and I said, "Yeah, we're going to look at it in a year's time," and then I see that in fact there has been success over a three- or four- or five-month period, I would feel comfortable saying, "Well, maybe we should expand this right here." I don't think there's anything wrong with that.

**Mr Callahan:** Let me follow up on that. You chaired the United Way, or co-chaired, I guess, in the Peel region area and we thank you for that; I'm a member from the Peel region. I'm sure you're aware that organizations like Big Sisters, Big Brothers and other charitable organizations—and I can speak specifically to Big Sisters, because I've seen their financial statements. I think they brought in about \$125,000, or perhaps more than that, by way of these tear-off Nevada tickets.

I'd like to ask your opinion. Since the expansion of, let's say, slot machines, larger casinos, or VLTs, if

they're brought in—I think it doesn't take a rocket scientist to realize that this is going to put an end to, or certainly downgrade, the Nevada tickets and therefore the financial contribution that the Big Sisters and I'm sure other organizations have been able to make. How would you deal with that? Obviously, it becomes very important, because as I understand the situation with the casino, nothing goes directly to these groups as the Nevada ticket proceeds do now. That money just goes into what I laughingly call the great black hole, the consolidated revenue fund. How would you deal with that as a member of the corporation?

**Mr Signoretti:** First of all, I don't agree with you that it in fact affects it because, as I said earlier, you have constituencies that will do things, whether it's the Nevada gambling or whether it's the casino or whether it's horse racing. They stay within their own constituencies. I would suggest to you that in my knowledge of the United Way—now, I haven't been involved in the last two or three years, mind you—there was always an increase. Somehow Big Sisters or somehow the other organizations always found an increase. I really believe there are people who say, "Look, this is what I want to do and this is what I want to support," and I don't think there is any evidence to show that it's gone down. In fact, it's increased.

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**Mr Callahan:** Well, it may not have at the moment, but I guess at the nub of my question was that if you, as a member of a corporation, are prepared to recommend to the government that there be expanded operations, ie, the riverboat, which as I understand is going to have something like 95 or so slot machines on it—it's always been my belief that the only reason people bought the tear-open tickets was because they couldn't get at the real thing—they'd prefer to play the paper—because that's all there was, the only game in town. Now you've got the one-armed bandits which you can get at without the necessity of all this tear-off stuff. You don't think that's going to have an impact on—

**Mr Signoretti:** Well, you're asking me now. I would say no. I would also say that once I'm confirmed, Mr Callahan, I will do all my best to make sure that everybody benefits from what's happening.

**Mr Callahan:** Okay, let me go on to another stage. In Windsor, probably one of the largest selling features of the Windsor casino was that the residents of Windsor, the businessmen particularly, thought there was going to be increased activity in their downtown. I think, without attempting to sound negative, that has not been the historical track record. As I understand it, most of these people are bused either to the parking lot out at the racetrack or downtown, where they pay \$25 or so to park their car. They then are funnelled into the casino and they never get to see the downtown, with the exception, I think, of one fast sandwich place that probably does well, because that's probably all people have got left to spend when they get out of there, and it's fast and you can get back in and crank up the machines again.

Having said that, do you think it's fair that the government on the one hand is not prepared to share any of the



revenues with the host community, when on the other side of the coin, the introduction of a casino in the Chippewa reserve will be non-taxed and all of the money will be poured back into the community? What would be your position, sitting as a member of the board, in terms of recommending to government or advising government in that regard?

**Mr Signoretti:** First of all, let me answer that this way. As I said earlier, I think there is a spinoff effect within the community, and I think you're talking about two constituencies. One is the constituency where you have patrons going into a gambling casino and doing the gambling; the other one is people who live and work in the area, and it has created a number—I'm not sure. I understand there's something like 2,500 jobs that have been created, so that directly affects the community as a whole. I'm not sure that you're going to get patrons going in, in that particular instance, the way the setup is now, as I understand it, without having seen it.

Secondly, I agree that in terms of the province's position, in fact if the province is involved in it, then the province really has to look for the benefit of the province as a whole. With the first nations casino, as I understand it, the same rules apply with the other casinos, that in fact it will be the whole first nations that benefit and not just that community, not funnelled solely into the community.

**Mr Callahan:** No, but it's different than the Windsor or any other host community. They don't get a nickel out of it. The province's share goes directly into the consolidated revenue fund. In fact in Windsor the best thing they did for them was they agreed to fund I think 25 extra police officers, and they also I believe returned the cost of the acquisition of the land for the interim casino. But apart from that, there are no special deals for Windsor, and presumably that would be the case for any subsequent casinos.

The question I was asking you was, if you were faced with that situation, if you were faced with that test from a municipality of saying, "Is it fair for the municipality to get none of the money and yet in the first nations casino they're going to get all of the money?" how would you deal with that?

**Mr Signoretti:** I think you're dealing with two specific issues. When you're talking about the first nations you're talking about government to government. I understand it's being all the first nations. I don't know this; this is the information I have. All the first nations across the province are going to benefit from the casino. In that particular instance you're dealing with people, you're dealing with the first nations. It's a government-to-government thing. But the fact still remains that people across the province are going to benefit from it. I don't know other than that and I'm saying to you as an outsider just knowing what I've read and what I've been involved with to a certain degree. I don't know all the details.

To try to answer your question more specifically in terms of the communities themselves, I guess that once you're there you have to make a value judgement. As of now that would be my position.

**The Chair:** Thank you for your answer.

**Mr Callahan:** Is that it?

**The Chair:** That's all of the time, Mr Callahan.

**Mr Callahan:** How quickly it goes when you're having—

**The Chair:** Well, it's right here.

Thank you, Mr Signoretti, for your appearance before the committee today.

BARBARA YOUNG

Review of intended appointment, selected by official opposition party: Barbara Young, intended appointee as member, Workers' Compensation Appeals Tribunal.

**The Chair:** Our next intended appointment review is that of Barbara Young.

**Mr Cleary:** Welcome to the committee. It is my understanding that the Workers' Compensation Appeals Tribunal has over 50 members at the present time. Is that correct?

**Ms Barbara Young:** I'm not aware of the exact figures as I'm just intended. I haven't been trained yet and I don't know the answer to that. I'm sorry.

**Mr Cleary:** I guess the next thing I would like to mention is, what is your understanding of your responsibilities to the tribunal to which you were appointed and what is your responsibility back to the individuals who appointed you?

**Ms Young:** My responsibility, as far as what I have read regarding WCAT, is that I will sit on a panel and I will use my background, my education and my experience as a non-partisan-type person on the panel who will be very fair in judgement. Now, as to the second part of your question, sir?

**Mr Cleary:** Your responsibilities to those who appointed you.

**Ms Young:** To those who appointed me, to do the best job that I'm capable of doing. I feel that I will be an asset to the panel because of my background.

**Mr Cleary:** I was wondering, from the information that you have and we have, what is the backlog there now on that board?

**Ms Young:** I'm sorry, I can't answer that. I wouldn't know. I am aware from what I've read in the media that there is a backlog but I couldn't tell you exactly what it is as I haven't received that type of training yet.

**Mr Callahan:** I wonder if I can ask you how this position came to your attention.

**Ms Young:** The word was out that they were looking for new part-time representatives, and I've always been very interested because of my work. I applied for a position over a year ago.

**Mr Callahan:** You say the word was out. Who put the word out? Who'd you hear the word from?

**Ms Young:** From someone who was associated through WCB-WCAT, because I've worked with those people a lot.

**Mr Callahan:** I see. So it wasn't a matter that this was advertised in the newspaper and you got—

**Ms Young:** There apparently was a memo asking for applications, and I sent my application in and I was



granted an interview last February or April.

**Mr Callahan:** Have you ever been involved in any political activity? Do you support a particular party?

**Ms Young:** At the present time I'm a non-card-carrying member.

**Mr Callahan:** A non-card-carrying member of what party?

**Ms Young:** That's a very personal question. My political affiliation absolutely has nothing to do with my appointment.

**Mr Callahan:** Have you been active in politics?

**Ms Young:** I vote every time there's an election, yes, but no, I've never held a position.

**Mr Callahan:** Have you worked in campaigns?

**Ms Young:** Yes, I did one year.

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**Mr Callahan:** Which year was that?

**Ms Young:** Oh, that would be back in the early 1960s.

**Mr Callahan:** I see.

**Ms Young:** I was a polling officer.

**Mr Callahan:** All right. Did you do door-to-door knocking for anybody?

**Ms Young:** Pardon me?

**Mr Callahan:** Have you ever knocked on doors for a political candidate?

**Ms Young:** No, I haven't done that. I assisted my husband and I can't even remember the name of the type of job I was doing, but it was people who had moved to different places, making sure they were registered.

**Mr Callahan:** Enumerator.

**Ms Young:** No, it wasn't enumerating, because we had to go to just specific houses.

**Mr Callahan:** I see. And you say you assisted your husband in doing that?

**Ms Young:** Yes.

**Mr Callahan:** Was your husband a candidate?

**Ms Young:** No, he's just a retired person.

**Mr Callahan:** I see. Now, you've indicated to us that you don't—and I want to be fair in this regard because maybe I misunderstood the answer, but you said you didn't understand what this position was about, you hadn't been told yet.

**Ms Young:** No, I'm sorry. I don't know the exact procedure and details of the position but I definitely know what the position is about because of my background in working with claims, doing claims management in different industries.

**Mr Callahan:** So will sitting on this board interfere with your present position that you're in?

**Ms Young:** There would definitely be a conflict and, if I am appointed, I will definitely resign from any of my other positions.

**Mr Callahan:** Your background is workers' safety, isn't it?

**Ms Young:** I am an occupational health nurse, I'm a

health and safety specialist and I'm a claims management person. I fill those three functions in the industries I go into.

**Mr Callahan:** So you would be leaving that if you were successful in getting this position.

**Ms Young:** Yes, definitely.

**Mr Callahan:** And are you fully aware of the hours involved in this and the compensation for it?

**Ms Young:** Yes, I am.

**Mr Callahan:** I see. You realize, I guess, through your working in this field that the Workers' Compensation Board extravaganza has attracted the interest of all three parties as being one that's somewhat out of control. Would you subscribe to that statement?

**Ms Young:** I'm only aware of what I have read in the news media, and my dealings with Workers' Compensation Board personnel do not touch that area at all. We're just dealing with cases.

**Mr Callahan:** Well, so does my constituency office deal with cases and they're pulling their hair out most of the time. Do you not find that it's terribly frustrating to deal with the board?

**Ms Young:** No, I don't.

**Mr Callahan:** You don't. You find—

**Ms Young:** Maybe we're talking different levels. I deal with the adjudicator when a claim is initiated, then I deal with the investigation branch. I deal with the vocational rehab and the decision review branch. But we are discussing cases only, not management decisions or anything like that.

**Mr Callahan:** Maybe I'm mistaken. I'm just a sub on this committee, so I don't have all of the material, but I just wanted to take a look at your CV, which is now being handed to me. Your present position is with whom?

**Ms Young:** With AFG Glass. I resigned there in December when we found a replacement. I did not intend to stay with that job. I've been working there the last year and we finally found a replacement. I trained her and I've left.

**Mr Callahan:** So who are you with now?

**Ms Young:** I'm not doing anything at the present time except working as a specialist when I'm called in. I don't have a full-time job or a permanent part-time.

**Mr Callahan:** You're working as a specialist where?

**Ms Young:** I have worked for Para-Med as a trainer and a claims management specialist when they have the need for me. I would also have to leave that position if I was fortunate enough to be appointed.

**Mr Callahan:** All right. I must apologize. I just got your CV. You belong to a particular union, do you?

**Ms Young:** Not at present.

**Mr Callahan:** What union did you belong to?

**Ms Young:** When I was actively in nursing, which was about 13 years ago, I can't recall the name of it but it was a nursing-home-type union. It's not one of the ones you hear about.

**Mr Callahan:** Okay. You're registered with the Ontario College of Nurses.



**Ms Young:** Yes.

**Mr Callahan:** You're involved with IAPA, the Industrial Accident Prevention Association?

**Ms Young:** Yes.

**Mr Callahan:** And the Durham Addiction Awareness Committee?

**Ms Young:** Yes.

**Mr Callahan:** Do you know how long this appointment is for?

**Ms Young:** Three years, from what I understand.

**Mr Callahan:** Were you given any briefing material before you applied for this job?

**Ms Young:** Yes. I was given a book to read before I went for my initial interview.

**Mr Callahan:** Where did you get that book from?

**Ms Young:** That was sent from WCAT.

**Mr Callahan:** Did you put an application in to WCAT? Is that how you got the book?

**Ms Young:** Yes, definitely, and it was when an appointment was made for an interview that I received material to read to give me a bit of background.

**Mr Callahan:** The curriculum vitae we have here before us, is that all that was sent to WCAT, or was it more expanded?

**Ms Young:** No, I would have sent a cover letter and I'm sure I made phone calls because that's my usual procedure.

**Mr Callahan:** So you would have called somebody at WCAT?

**Ms Young:** I would have, yes. I wouldn't know who because I wouldn't have a name, but I did call to see if and when they indeed were going to be hiring and when they would set up interviews etc.

**Mr Callahan:** Did you make any other telephone calls to any political people?

**Ms Young:** Definitely not, no.

**Mr Callahan:** Okay. I think those are all the questions.

**Mr McLean:** Welcome to the committee this morning. Does the compensation appeals tribunal act on behalf of the individual or mainly on behalf of the WCB?

**Ms Young:** It's neutral. There is a vice-chair and there are two panel members. One is a representative for the worker and one is a representative for the employer.

**Mr McLean:** Run that by me again. One's for the worker and one's for the employer?

**Ms Young:** And then there's the vice-chair of the panel.

**Mr McLean:** So there's one member of the tribunal who works on behalf of the employer and one works on behalf of the—

**Ms Young:** They're representative of, but their views are strictly non-partisan.

**Mr McLean:** I see. I notice there's a 38% jump in the WCAT workload from 1991 to 1993, and I presume it's probably gone up substantially since then on the cases that go to the tribunal.

**Ms Young:** I'm sorry, I wouldn't be able to give you an exact number of cases.

**Mr McLean:** What's your view on what your job is going to be? Is it going to be full-time, part-time?

**Ms Young:** No, it would be part-time, if I'm appointed. It would be sitting in on hearings, which I've done a lot of reading up on through the years, and looking at whether a decision made by WCB would be accepted as it is or possibly changed because of new evidence brought in by either party if it's an issue of dispute. This would be a final appeal and the WCB decision could be overturned at this point or it could be accepted as it was decided.

**Mr McLean:** I would think that you would be working every day, even if it's classified part-time. With the increase of appeals, I would think that we're getting behind, that you should be—

**Ms Young:** I wouldn't mind that, but I believe, and I'm not sure on this, that your hours are not set; it's not a job where I'm told I'll work 10 hours a week or what. It is flexible, depending on how many hearings are going to be heard and the setup.

**Mr McLean:** From what I've seen here, there are 12 full-time vice-chairs, 10 part-time; 15 full-time members, representative of either workers or employers; and 14 part-time members. It doesn't appear to me that there's still even enough, or they're not having enough hearings to get the workload down. It seems to be increasing. How are we going to overcome that, in your estimation?

**Ms Young:** If the hearings are there and people like myself are available to sit in on the hearings, I'm sure we'll be there.

**Mr McLean:** We're getting more appeals all the time; I know my office does. The way it's increasing—I guess it's not your position to make any recommendations; all you've got to do is deal with what's before you. But it appears to me there should be more people there to handle the appeals, in my opinion. Thank you. I wish you well.

1140

**Mr Hope:** Thank you very much for coming today. I guess if you knew why the caseload increase was there, we would have been able to solve this problem years ago.

You are going to be faced with a big challenge, a challenge of decision. People will come before you with testimony about the accident that occurred to them and why they believe they ought to have the right to the money that is owed to them. It's going to be a lengthy process, but I believe the number of cases—I'm glad you weren't able to answer what the caseload is today, because I notice our legislative research only went up to 1993 in the numbers they've got, so if you knew that, you'd know more than our legislative research did.

But there has been an increase in cases before WCAT. We believe the changes we made to the legislation dealing with workers' compensation will address that issue of caseload. We all know where the problems are. The problem is not at WCAT and putting more staff in there. The problem is dealing with the front end of it, making sure assessments of injured workers are done



properly, making sure that is dealt with, and then WCAT's work responsibility becomes easy. So your part-time position will actually be part-time if we resolve the problem at the beginning, which we believe we have done with the changes to the WCB.

As to the number of members on the committee, as was indicated earlier, there are 12 full-time vice-chairs and 10 part-time vice-chairs, there are 15 full-time members representing either workers or employers, and 14 part-time members representing either workers or employers. Do you know what constituents you're supposed to be representing? Are you representing the employers' side of the spectrum or the workers' side of the spectrum?

**Ms Young:** It would be the employers; a representative for the employers' side.

**Mr Hope:** Why do you believe you have been chosen from the employers' side of the sector?

**Ms Young:** I don't really know, because I've worked both "sides"; I don't like that term, but as you want to use that. My background is strictly industrial in the last number of years, and I've been working with hourly employees, with equal time working on behalf of management. But most often people consider me a management person because I'm on salary.

**Mr Hope:** With your years of experience—I won't give your age away, but I use the word "years" meaning only a couple, which we know may be a few more—dealing with the dramatic experience of WCAT, is that going to impact on your decision-making process, the dramatic presentations being made? I was looking at your CV and some of the work you've been involved in. Is that going to help you balance the decision, your nursing practice, your business working with occupational health and safety, that experience balanced with the dramatic aspect of things?

**Ms Young:** It will. I feel I won't have any problem because of my background and my experience. I've been going to night school for the last 12 years, and when I selected my courses, aside from my Ryerson, I took union courses, I took management courses. I just wanted to get the whole spectrum, the whole picture.

In the occupational business, when we do an accident investigation, it is very important that you gather all the facts and know the whole story. The idea is that you have to have a history and you have to be very impartial, and you don't bring your beliefs from outside, from your personal experience, into this sort of situation.

**Mr Hope:** I'm going to ask you a very hypothetical question. I was on the committee dealing with the changes to the WCB, and one of the political parties, which I will leave nameless—Mike Harris, but I'll leave it nameless—wanted to make sure the accountability aspect of the tribunal was there, that you're really a judicial system. You would have to balance the monetary aspects of the WCB with the pain and suffering of an individual.

Hypothetically, how would you balance that, as a person who has had tremendous experience in nursing, understanding the pain and suffering of individuals, and

then being pushed by a government that says, "No, don't pay it, because we don't have the money," or, "You've got to watch the deficit situation," or, "You've got to watch the employers' costs"? I'm just curious. How would you balance that?

**Ms Young:** First of all, money doesn't even come into my mind. I'm looking at what has happened and how this person, whether it's a management person or an hourly person, should be treated fairly: What is the story? What has happened here?

**Mr Hope:** Mr Callahan was going on at length asking you questions. They always try to say, "Was there political interference with your appointment?" If we were to carve up all the dirty laundry of the Liberals and Tories about how a backroom decision was made there, I mean, God, archives wouldn't be able to hold all the material that would be there.

But I want to ask you a very specific question: Did you ever contact your MPP, your local member, and ask for this appointment?

**Ms Young:** Definitely not. I believe my local MPP is sitting right here, so you can ask him. He wasn't on the list to be here, but Drummond White is from my area.

**Mr Hope:** Thank you very much, and good luck.

**Mr White:** I won't take too much time, Ms Young. I was just very impressed with your résumé and the number of courses you've taken, the amount of training you've had, in a fairly short period. As we've attended some of the same institutions, such as O'Neill etc, I'm surprised we didn't know each other, but you're obviously much younger than I am.

In regard to your own experience in the workplace—and you've worked at a number of the major manufacturing companies in my area, General Motors, Loc-Pipe, Cadbury Schweppes, which is of course now Durham College—you've had a number of courses, a number of experiences with worker health and safety issues, but you've also had a lot of experience with addiction awareness and places like the sex assault care centre etc. I'm wondering how you find that kind of combination. Do you think your experience with addiction awareness and sex assault and other kinds of psychosocial stressors would inform your work with WCAT?

**Ms Young:** I never thought of a situation coming up, but I do empathize with anybody who has had those problems, and the reason I took those courses was that I was exposed to them in those workplaces you mentioned quite frequently, whether it was an abused woman or an alcoholic trying to keep his job or his family. The reason I went after the education in those fields was to be able to help people.

**Mr White:** Thank you very much, Ms Young. I certainly hope your appointment will be confirmed.

**Mr Derek Fletcher (Guelph):** Thank you for coming in, Barbara. I like the way you described your husband as "just a retired person." That's nice.

As an employer appointment to the board, do you think you're going to have any bias against union people who are filing appeals with the tribunal?

**Ms Young:** Not at all.



**Mr Fletcher:** You've worked with union people and you've worked in management.

**Ms Young:** Very, very closely. I could get references from a number of business reps and chief stewards.

**Mr Fletcher:** My last question: Why are you so interested in applying for the WCAT?

**Ms Young:** Because of my work through the years, I initiated claims, I monitored them, I had a lot of contact with the employee and with WCB, and then there were cases I was not happy with the outcome of. I started reading all the literature I'd get into my office, and when WCAT started to show quite a bit, I was interested in it and did a bit of research to see what it was all about, and of course on my job I had to know what it was about, that there was a last resort. To me, I feel it's just great that it's there and that people do have another avenue.

**Mr Fletcher:** That wasn't my last question; this is my last question. In your job as an occupational health and safety nurse, you must have seen not only some of the injuries in the workplace but also some of the problems people had when they dealt with WCB and going through the appeal process. Do you think this background is one of the reasons you've applied, and also, that because of this background you'll be able to apply yourself to the position?

**Ms Young:** Definitely. It's been a progressive thing. I went into occupational nursing first, then I saw the number of accidents so I went into health and safety. That's what I graduated from Ryerson with. It was just a natural step to get into something like WCAT.

**Mr Fletcher:** I guess one of the best ways to get rid of our caseload would be at the front end, the prevention end.

**Ms Young:** Safety is a vital aspect. If every place was safe, there would be no accidents.

**Mr Fletcher:** Good luck.

**The Chair:** Thank you very much, Ms Young, for your appearance before the committee today.

I'd like to congratulate the committee. We're finished 10 minutes early. We could do the subcommittee meeting now. Oh, sorry, we can't do it till tomorrow; we're going to receive some more appointments to review tomorrow.

The committee will stand recessed until 2 o'clock.

*The committee recessed from 1151 to 1402.*

JOSEPH COMARTIN

Review of intended appointment, selected by official opposition: Joseph Comartin, intended appointee as member, Ontario Casino Corp.

**The Chair:** Our first person this afternoon is Mr Joseph Comartin. Welcome to the committee, Mr Comartin. This is an intended appointment as a member of the Ontario Casino Corp. I guess it's our day for the gambling agencies.

**Mr Callahan:** Welcome, Mr Comartin. You're from Windsor?

**Mr Joseph Comartin:** That's correct.

**Mr Callahan:** I remember that when the casino was being established in Windsor I sat on the committee a

couple of times and had some very significant concerns about my favourite street in the world, Ouellette Avenue, whether I'd be able to walk down it a year from then without bumping into all sorts of products being sold. Can you tell us if Ouellette Avenue has changed in any way, shape or form?

**Mr Comartin:** There's more traffic, pedestrian traffic, on it, there are a few more stores opened, but I think essentially, no, it hasn't changed very much at all.

**Mr Callahan:** My understanding is that these people, 80% of whom come from the United States, are bused into the casino and bused right out. Has there been any significant increase in the business of the downtown merchants in Windsor?

**Mr Comartin:** You'd have to divide those into categories. Certainly the hotels and the restaurants have benefited quite significantly. In terms of the retail merchant, the major impact has been from the employees who are now working in the downtown rather than the patrons to the casino.

**Mr Callahan:** Okay. I notice you were a member of the casino planning committee responsible for advocating for casino gambling in Ontario and a casino in the city of Windsor.

**Mr Comartin:** That's correct.

**Mr Callahan:** Do you see that in any way, shape or form constituting a conflict should you be accepted for the Ontario Casino Corp board?

**Mr Comartin:** No, I think just the opposite. It's simply a continuation. Almost exactly three years ago, I was invited to sit on that committee and began at that time to learn about the casino industry, and my appointment to this board, if approved, would be simply a perpetuation of the commitment I made at that point to bring that industry to Windsor and to see that it was implemented in the community's best interests.

**Mr Callahan:** Do you see any difficulty in the fact that the province has thus far not agreed to give any of the 20% it gets from the casino profits to the city of Windsor? Do you see that as a problem, particularly in light of the recent statement by the government that the native casino will open and all the money will be plowed back into use, I guess, on all the native reserves? Do you as a board member see a problem with that policy?

**Mr Comartin:** No. I think the positions are consistent and I don't have a problem with the province's position that it use the revenue for the benefit of the entire province rather than for the exclusive benefit of the city.

I have been very clear, I think, on a number of occasions when I've been asked this, that the city is certainly entitled to be compensated for any specific expenses it has incurred to bring the business to Windsor. Beyond that, I think we're in a position that we have a responsibility to share the revenue with the rest of the province.

**Mr Callahan:** I notice that you're actively practising law. Is that going to create difficulties in terms of the time you have available to serve on this board?

**Mr Comartin:** Both my boss and my wife have asked me that question. I guess I'll give you the same answer. Yes, probably a little bit, but again because of the



commitment I made back then, I felt I would carry through on this. I'll probably have to drop one or two other commitments I've got at present.

**Mr Callahan:** Where does this board sit? In Toronto?

**Mr Comartin:** It hasn't started sitting yet; that is, the public board has not begun sitting yet. We've been waiting for these hearings to conclude. I assume most of the meetings will be in Toronto, but it's my understanding that there is a plan to have some of the meetings outside of the Toronto area. I will advocate, as I regularly do, for greater representation from outside Toronto, that some of those meetings take place in Windsor, and I expect that some of them will take place in other communities as other casinos are opened.

**Mr Callahan:** Okay. I'm going to put you through the same test as I did the others. Being a lawyer, lawyers tend to have a desire to deal in politics. Have you ever run for public office?

**Mr Comartin:** No.

**Mr Callahan:** Do you belong to an established party in the province of Ontario?

**Mr Comartin:** I've been a member of the NDP off and on since 1968 when I had dropped out of the Liberal Party at that time.

**Mr Callahan:** I see. So you've been a member of the New Democratic Party since 1968?

**Mr Comartin:** I think I let my membership lapse for a period of time in the early 1970s as our children were coming along.

**Mr Callahan:** How did you come to learn of this position?

**Mr Comartin:** As you already know, I've been intimately involved in the process of bringing the industry to the province, and I had some input into the drafting of the legislation, so I knew that the board was going to be established. Once the legislation worked its way through the House, I indicated a desire to sit on the board.

**Mr Callahan:** Yes, but you must have gotten some information that there were LG appointments being considered. Where'd you get that information?

**Mr Comartin:** No, I don't have that information. I applied. I think the question is, was I asked by somebody? I was not. I took the initiative to apply.

1410

**Mr Callahan:** That's fine, but how did you find out about it? I know what you're telling me, that you've been involved in the casino planning committee, but how did you become aware that the corporation was going to be seeking members?

**Mr Comartin:** I just knew that. That's the way this process works. I mean, all boards are like that: At some point, if you pass a piece of legislation that says a board is to be in place, they obviously are going to require members. Once it had cleared the House, I knew they would be seeking out membership to the board.

**Mr Callahan:** Did you contact anybody of a political type?

**Mr Comartin:** No. I spoke to Domenic Alfieri about getting the application form.

**Mr Callahan:** He's the president, the chairman of the—

**Mr Comartin:** I'm not sure he was at that point. He was the senior civil servant in charge. He was the assistant deputy minister at the time, but I'm not sure if he was president yet.

**Mr Callahan:** Have you received a briefing about what this board entails?

**Mr Comartin:** I had a briefing with Domenic this morning.

**Mr Callahan:** You had a briefing with Domenic this morning, before you came here?

**Mr Comartin:** That's correct.

**Mr Callahan:** When we were in Windsor, the chief of police concerned himself about the question of laundering of money. I think you were probably at those hearings or you read it in the press, that he expressed a very severe concern about that issue. What would you do, as a board member, to exhort your fellow members to ensure that the casino in Windsor and any other casinos that you might establish would not launder money?

**Mr Comartin:** I don't think I have a simple answer to that. If you've studied the laundering of money by organized crime in this jurisdiction and elsewhere in the world, they are creative enough to come up with new methodologies on an ongoing basis. All you can do is to put into place, as I think we did here, a system where you monitor it and continue to study what methods they use and then react to those.

**Mr Callahan:** As we understand from the briefing notes that we got on this whole issue, the objects are to enhance the economic development of certain regions of the province. I understand there is presently afoot an intent to enlarge the interim casino by creating a float—ing—I was going to say crap game, but that's not right—riverboat.

Recognizing that the minister responsible indicated to the Legislature that there would be no further expansion of casino gambling until a year had gone by and we'd had a full report, and as far as I know we have not had a full report—but maybe the government members know better—yet this corporation is looking at riverboat gambling, which is an extension, how would you deal with that issue if it were to come before you as a board member?

**Mr Comartin:** Can I say, before answering about how I would respond, there's a basic misinformation in the assumption that you're making. The minister's position was that there would be no new sites for casinos without this one being completed, with the exception of that for the aboriginal community, and that is in fact what's going on here.

When the casino in Windsor was originally approved it was for 75,000 square feet. The interim casino at this point only comprises somewhere between 45,000 and 50,000 square feet. As I understand, the authority that's been extended by the government at this point has been to fill up the balance, and that would be, therefore, somewhere in the range of 25,000 to 30,000 square feet, which is what a riverboat gambling type of operation would entail.



My reaction to riverboat gambling is that I have some concerns about it. One of the principal ones I've got is that we are using presently, in the city, waterfront property as a parking lot, and I have some reservations that if a riverboat is attached to the dock there, we will have some great difficulty removing that parking from the waterfront. I have been a strong advocate of getting the rails off the waterfront and developing it into both passive and active parkland. So I have some concerns about the riverboat.

I should indicate to you just one more point, if I may. There are two other proposals with regard to expansion. One is to add on to the building that basically was the art gallery before it was converted, and a third alternative is to look for an alternative but nearby site, which would again comprise, in both cases, something in the range of 25,000 square feet.

**Mr Callahan:** I don't want to rush you, but I haven't got much time. I have to tell you that in our research notes, we are told we are given a quote from Hansard, the official debates of the 35th Parliament, third session, on November 3, 1994, pages 7601 to 7603. Frances Lankin, the Minister of Economic Development and Trade, clearly outlined the government policy on the issue of expanding the number of government-run casinos in Ontario and she indicated: "The issue of casino expansion would not be considered by the government until the Windsor pilot project had been in operation for a full year. The Ontario Casino Corp would assess the pilot project and prepare an evaluation at the conclusion of its first year."

Clearly, unless our research people are wrong, the minister did in fact say no to expansion. What I'm saying is that the riverboat is an expansion.

**Mr Comartin:** I can't agree with you. It's not an expansion because we're not moving beyond the 75,000 square feet that was allocated to the city initially and to that operator.

**Mr McLean:** Welcome to the committee. You said the Ontario Casino Corp has not had a meeting yet?

**Mr Comartin:** I'm sorry. The community board has not. The board has been meeting, comprised of—I'm not sure of all of the people, but I think there are four senior civil servants, all deputy ministers, who have been meeting and acting as the legal board since 12 to 18 months ago.

**Mr McLean:** What is the need for a new board? If they've already been acting and already doing what is going to be done, what is the need to have another Ontario Casino Corp board?

**Mr Comartin:** On a personal level, I would not want civil servants making the decisions that have to be made with regard to expansion, new sites, that kind of thing. I think you'd want a broadly based community board, such as this one, I believe, is, to be making those decisions and those recommendations to the cabinet.

**Mr McLean:** The aboriginal community—several had made application, and one was chosen. Who chose the one that was successful?

**Mr Comartin:** That would have gone through that

board, the Ontario Casino Corp, on through to cabinet, where the ultimate decision was made.

**Mr McLean:** How many are going to be on this Ontario Casino Corp board?

**Mr Comartin:** I believe there are 11 people, including two of the deputy ministers staying on for one more year.

**Mr McLean:** On the issue of two ministers being responsible, one for the gaming commission and another for the Ontario Casino Corp, I just ask your opinion. Why wouldn't one minister, instead of two different ones, be involved in responsibility for gambling?

**Mr Comartin:** I have to indicate I was a very strong proponent of that in the research I had done prior to Mr Alfieri actually being appointed to take on the responsibility to develop the industry. I had a fair amount of research I reviewed.

In any of the jurisdictions I've looked at, it gave me great cause for concern. Look, there's a history of corruption within this industry. Whatever you can do for public perception purposes at the very least, and for practical purposes as a secondary consideration, I think you do. Dividing it between two ministries, and in fact, the way the structure is here, really between three, because the Finance minister is very much overseeing some of the process here—I think it's important to do that. You can turn to the community and say: "We've done as much as we can."

We've put into place this kind of legislative structure, so we have one ministry that's specifically responsible for the policing and enforcing of regulations and the law, another ministry that's responsible for the law, another ministry that's responsible for the development of the industry. Those two roles are not always compatible. I think there's an inevitable temptation on the part of the person developing the business to perhaps cut a corner here or do something that's not entirely proper there, and having another ministry, another body responsible for bringing them up short I think is appropriate.

**Mr McLean:** You said that this industry is noted for corruption. Do you think the municipalities that are accepting these and want them should be responsible for the policing and the total cost of that, or do you think the casino corporation should be the one that's responsible for the cost, coming out of casino revenues?

1420

**Mr Comartin:** I think the model we've used in Windsor is the appropriate one in that, again, you divide it. There are two concerns about crime relating to this type of business. One is the street crime: the prostitute, the pickpocket, the muggings. I think that's very much a responsibility best carried out by the local municipal police force. With regard to the organized crime segment, which is the other element, I think you need a more sophisticated, and perhaps a more integrated at a provincial and federal level, police force. So I think that becomes a provincial responsibility, and to a lesser degree a federal one.

**Mr McLean:** You come from Windsor. Looking from the city of Windsor's point of view, I've seen a lot of



write-ups with regard to the downtown, saying: "Well, we haven't got any spinoffs. It's not what we thought it would be." What are the mayor and the downtown saying now? Are they happy or are they still concerned that people are not staying long enough?

**Mr Comartin:** There's no question we're still concerned about them not staying long enough. They are happy with what has happened to this point. There certainly were some expectations, and I think city council and the mayor specifically were somewhat guilty of creating some undue expectations in the sector for retail trade. If you study Vegas and Atlantic City in particular, it didn't happen there. I think the restaurants and hotels are fine.

What we do from here on in: There are some recommendations in the Ernst and Young study which I think are worth following up in terms of some marketing that can be done. A good number of those are probably limited to waiting until we open the permanent site. In effect, what you have to do is to target a somewhat different crowd than we've been attracting up to this point. In order to do that, you need to have more upscale entertainment.

The city is currently going through a total review of a convention-entertainment type of centre. We don't have that in the downtown area at a scale that we need. If we had that, you may have people coming and saying, "Yes, I'll stay two or three days now." I'm trying to think of some of the entertainment groups you may have in so they would be willing to come and stay not only for the gambling side of it but also for the entertainment side.

**Mr McLean:** Have the police had to increase their staff, to your knowledge?

**Mr Comartin:** Yes. There were 25 additional police officers who were hired specifically for the purposes of added work they thought they would need to have done in the downtown area. I can tell you that a number of those officers have been reassigned outside the downtown area in the last few months.

**Mr McLean:** Who's paying for that increase of police officers?

**Mr Comartin:** That's coming out of the casino revenue.

**Mr McLean:** I guess the last question I have is with regard to the concern about the downtown. It's a short stay. Has there been any impact study done that you're aware of that's available for us to see of what has happened with the downtown?

**Mr Comartin:** Yes, the Ernst and Young study which was put out in November 1994. I have a copy of it here, although I've marked it up extensively. But, yes, it's available; it is a public document.

**Mr McLean:** What were the comments from the city with regard to that report?

**Mr Comartin:** I think the city generally was supportive of the study, of the conclusions that they drew. As I say, there are recommendations for additional things that might be done, but overall I certainly didn't hear anything negative from city council or the mayor's office.

**Mr McLean:** Good. Thank you.

**Mr Hope:** Joe, good to see you again. I'm particularly interested in a question Mr Callahan asked you about, will you have the time? I look at your CV and you've made time for your community, balancing of family, also playing an active role in a number of initiatives, everything from housing to social justice for children in your community. I see you as one of the people who would be most competent in dedicating time and effort for the community. I just find it interesting that that type of question would be asked.

**Mr Callahan:** Weren't you complaining about lawyers this morning, Randy?

**Mr Comartin:** I did hear that comment, Mr Callahan. I was going to mention it to him.

*Interjections.*

**The Chair:** Mr Hope has the floor.

**Mr Hope:** To Mr Comartin, I made that generic comment to Mr Callahan because I made reference to the Don Jail. I didn't make mention to Mr Comartin, who I know, in Windsor, because living down the street from Windsor, we see the benefits. We hear about the mayor's enthusiasm about the casino coming in, the economic growth that's occurring.

The other issue that's been brought up, and I wanted to give you a little bit more time because Mr Callahan refused to give you that time, is about the riverboat, because he was saying he only had a few minutes to ask questions. If he'd make his questions a little shorter—

**Mr Callahan:** I take umbrage at that.

**Mr Hope:** —he'd allow you the time to answer the question. But I'd ask you more specifically about that riverboat process and what is your understanding about what's going on in Windsor.

**Mr Comartin:** You do have to be careful with a riverboat operation. They've not been that successful in Idaho and on the Mississippi. St Louis—they jockeyed them back and forth. A number of them have quite frankly gone under. I think one member mentioned earlier this morning about the profit level here. Not all gambling operations are successful, so you have to be careful with it.

As I understand, the proposal for the Windsor one would actually not be a mobile one. The boat would be brought in and anchored right off the downtown area, off Ouellette or one of the main arteries there, and be stationary. I think that's almost an absolute requirement. Our international border is so close that we would not be able to use a riverboat that was actually mobile. It is a ship, it's considered one, but that's one of the things, I guess—and I hadn't finished. I wanted to say a couple of more things about the riverboat because one of the other concerns that I've got is a timing one.

I have serious doubts that we can get that in operation before the end of the summer, because of the cost of renovating it and the work that has to be done and then bringing it in, if it's already an operational one. We would have to move it up the Mississippi; it can't go out into the Atlantic. There are all sorts of problems with it. The expansion that I would like to see, because of, as Ms Harrington mentioned, the lineups that we've had, I



would like to see that operation in place and going by the latter part of June so we can catch the full benefit of it for July and August, which are our biggest months. That's another concern I've got about the riverboat.

**Mr Hope:** The other thing I wanted to ask you, because we're so close to Windsor, just down the street, is that there are opportunities for us to benefit from the casino in Windsor. But dealing with more site specifics, like other sites in this province, would it be fair to assess that Windsor should get most of the gambling process and leave other communities out of opportunities? You're going to be faced with this decision about other sites. Your own community might have another proposal forward. We're talking about prosperity across the province, not just in Windsor. I know Windsor is doing well with the assistance of this government, but I'm just curious to hear your opinion on the total prosperity of the province.

**Mr Comartin:** Again, as I said earlier, we're probably almost certainly going to exceed a \$500-million win on this casino in the first 12 months. That will make us, as we are right now, the most profitable in the world. In terms of how much of that ends up in government coffers, I don't know at this point because I haven't had access to the operational agreement in terms of what the operators themselves are going to make, their profit. But that is an awful lot of money to place in one community. Again, from a straight fairness standpoint, obviously not. The city should be compensated for any expenses that it has incurred relating to this business.

**Mr Hope:** Mr Callahan was very selective in his reading dealing with the first nations issues, because I referred back to what he referred to, the section where Frances Lankin had indicated after a full year of operation—

**Mr Callahan:** I must have been hitting some sore spots.

**Mr Hope:** No, I think it's important to get legislative research that has done an excellent job getting the facts on the table. One of the facts is, when Marilyn Churley announced the casino on December 5, 1994, it was also clearly indicated that there would be no taxpayers' dollars associated with the first nations casino complex that would be put into place, unlike the Windsor one. The Windsor one did receive provincial dollars. I guess I'd ask your opinion. Do you see Ontario playing more of a role, or should we allow the first nations to take their own ventures on?

**Mr Comartin:** I think it's really important for any member of this board to keep an open mind on what structure we use to develop additional casinos. There are a number of models elsewhere in the country and elsewhere in the world other than the model that we've used for Windsor and the one that we have now established for the first nations, so I am not at all locked into any specific model. I think each geographical area may dictate the type of model that should be established, and in terms of revenue-sharing the overall fund should end up to the benefit of the largest possible group of people.

1430

**Ms Harrington:** I want to comment on your com-

munity involvement. It's an impressive list here. I see your access to the permanent housing committee—I used to sit on that in the Niagara region—and the Ontario Social Development Council.

Are there still lineups in February?

**Mr Comartin:** There aren't in February, but there were extensive lineups through the Christmas holidays. I was out of town. I went skiing during the holidays, but I saw some of the pictures when I came back and, yes, there were extensive lineups. Whether we would have had those if it hadn't been for the very mild weather, I'm not sure, but they were almost as long as they were during the initial couple of months when we first opened.

**Ms Harrington:** So it's still doing well. Are the numbers still—both in attendance and money?

**Mr Comartin:** No, the numbers in fact are down. We're down to about 14,500 a day in visitors, but actually the win is up. It's back to that point I made earlier about the patron that you're appealing to. What we're finding is that if we had a more open casino, that is, a more comfortable casino, we would have, for lack of a better term, the high rollers staying somewhat longer and you tend to make somewhat better profits off them.

**Ms Harrington:** What do you think about a casino for Niagara Falls?

**Mr Comartin:** I was told you were going to ask me that question. Obviously, I'm keeping an open mind on any location. There are some similarities in the Niagara region to the Detroit-Windsor area, so I suppose you're certainly on the list of communities that have to be considered at an early stage.

**The Chair:** You need all these votes, you know.

**Ms Harrington:** The casino corporation does have the expertise from what you have gone through in Windsor, and I understand that you'll be working with all of the communities that are putting in proposals. What I want to ask you is something that probably we'll be dealing with and that is, how do you select the site within your community? That must have been difficult. What advice would you give to other communities on how to go about that process?

**Mr Comartin:** It's very important to know in advance what your goals are for the casino, what you want it to do for your community. That's going to dictate where you're going to place it geographically. That was our experience and I think it would be the same anyplace else.

Knowing the problems that Niagara Falls has at the present time, obviously if it's going to be to benefit and bring back some of the tourism trade that you're looking for there, it seems to me it has to be there, that is, in Niagara Falls, although I understand on the other hand that Fort Erie is very concerned about their racetrack and if the ultimate goal is to work out a partnership between the casino and the racetrack, you put it up in Fort Erie. Those are both valid considerations. I think the community has to determine that. I guess the board and the government ultimately will make the final decision, but that kind of input is really crucial.

**Ms Harrington:** Did you have a wide cross-section



of the community get together originally to draw up these goals?

**Mr Comartin:** Yes, the original committee that was established that I sat on was bipartisan in terms of political parties and it had a pretty broad section of people from the business community. The university was there, the labour movement was there, a number of social service agencies were represented, the police were there—a broad section. We continued that pattern right on through. When I say “we” I mean the casino corporation did once they took control, but all the way through that there was pretty broad input from the community as a whole.

**Ms Harrington:** That’s the way it has to be.

**Mr Comartin:** Yes.

**The Chair:** Thank you very much.

**Mr Callahan:** Madam Chair, can I just have a point of clarification on something that Mr Hope said?

**The Chair:** No, I’m sorry. All three parties have now had questions of Mr Comartin.

**Mr Callahan:** Oh, no, it’s not a question. I just want to clarify something.

**The Chair:** Well, I’m just going to let the deputation, the person we’ve invited, step down, and if you have a point of order, you could ask a question. Thank you very much, Mr Comartin, for your appearance before the committee.

**Mr Callahan:** On a point of order, Madam Chair: I may be mistaken. I just want to clarify it. Mr Hope said that Minister Churley had said there would be no tax moneys used in the setup of the first nations casinos.

**The Chair:** Mr Callahan, that is not a point of order.

**Mr Callahan:** Well, it is in terms of him saying that research—

**The Chair:** No, I’m sorry. It is not a point of order.

GERALD WILLIAM KINASZ

Review of intended appointment, selected by official opposition party: Gerald William Kinasz, intended appointee as member, Ontario Travel Industry Compensation Fund Corp board of trustees.

**The Chair:** I would like to invite our next appointment before the committee, Mr Gerald William Kinasz. Welcome to the committee, Mr Kinasz.

**Mr Curling:** Welcome to the committee hearing. Mr Kinasz, the researcher has put some notes down here and they jumped out at me very readily. With you being a lawyer, I’d be very interested in hearing your answer with regard to bankruptcy with regard to airlines. Normally, you know, the travel service etc goes bankrupt, but these days every time I look either one airline has taken over another or one is going bankrupt. Do you have any comment really on that?

**Mr Gerald William Kinasz:** That’s a very interesting question because one of the things the legislation in its present form doesn’t do is to cover the situation of a bankruptcy of an airline, for instance. The legislation really deals with insolvencies and bankruptcies of either retail travel agents or wholesale travel agents in Ontario and it doesn’t deal with bankruptcies or insolvencies of

the actual providers of the service, ie, airlines, resort hotels, things like that. So at the moment we really have no mechanism in place to deal with a bankruptcy of an airline.

As I think you’re aware, airlines are within the federal government’s jurisdiction and as far as I’m aware there has been no effort made to establish the sort of mechanism that we have in Ontario, for instance. In fact, I think people in the industries are looking with interest as to what might happen in the event of an insolvency in an airline.

**Mr Curling:** So I presume what I’m hearing from you is that you hope the feds make a move on this because it’s more or less within their jurisdiction. But is there anything this board could advance in making that concern be heard in that respect?

**Mr Kinasz:** In the sense that it is governed by the federal government, I think there has to be some discussion and cooperation with, I would think it would be, the federal transport authority. I know IATA, which is the International Air Travel Association, has an organization. It has rules and procedures for dealing with lost baggage and things like that, and I could see some benefit in dialogue at least with those organizations.

**Mr Curling:** From your response it seems to me that you are quite familiar with the compensation fund and what it can do and what it leaves out. Could you comment if you feel that the compensation fund that is available is adequate in order to support some of the claims that are anticipated or that it is having?

**Mr Kinasz:** Let me answer this way: To my knowledge and to the extent that it has dealt with problems up to the present, yes, I think it has proved adequate, with one exception. I think in 1994 there was an operating deficit of \$5 million. I think there hasn’t been enough money put to the problem, but on the other hand, with the amendments made in late 1993 to the regulations, there has been provision for increased assessments and the plan is to eliminate that deficit over the next five years. So assuming that’s done and assuming there are no major insolvencies, it seems that the fund and the way it operates right now is adequate, yes.

**Mr Curling:** You said the fund’s there and you just hope that nothing happens to shake that fund or deplete it, but you said it’s adequate at the moment. But any kinds of demands that are made on it would deplete it very quickly.

**Mr Kinasz:** I meant to say any extraordinary demand that hasn’t been anticipated up to now. I think it’s more than adequate to handle—

*Interjections.*

**Mr Curling:** Madam Chair, I can’t hear. It’s kind of noisy here.

**The Chair:** Excuse me. I’m sorry. We can’t hear either the person asking the questions or answering them. Thank you.

1440

**Mr Curling:** Maybe I’ll put another question to you just to make it fresh, and I hope that the government will listen in order to improve this very important—



**Mr McLean:** They didn't before; why would they start now?

**Mr Curling:** Yes, it's true.

As you know, the other areas in the travel business, and there is a phrase for it, the hotels and all the end products that come out of travelling, from time to time we do have people who are left stranded because hotels or some aspect of the travel package broke down. We get complaints from time to time on this matter. Do you feel that there is adequate legislation and that the act is adequate to deal with situations like that, where we have, as they're called, fly-by-night hotels and packages that are put together with quite expressive and explicit little descriptive adjectives, but when you get there the hotel is not a hotel or the beach is not a beach? Do you think that the act is strong enough to protect these people?

**Mr Kinasz:** Based on our experience to date, it appears to have handled the problems that have appeared to date. As I tried to say earlier, for a major catastrophe such as the insolvency of an airline, let's say Canadian Airlines or Air Canada, I'm sure the fund would be inadequate to deal with that kind of a problem. But to the extent that there have been problems in the past and to the extent that they've been dealt with by this fund, I think it's proved to be adequate, yes.

**Mr Curling:** Are there any other things that you feel, now that you will be serving on the board, are issues you would like to raise, things to be improved or eliminated? What are some of the plans you have to make that difference on the board?

**Mr Kinasz:** Personally and as a lawyer, I like the concept of the trust fund, a segregated trust fund. This was imposed in the last set of revisions to the regulations. What was done is that the regulations required that any travel agents segregate deposits or pre-payments in a separate trust account. I think, as you gentlemen know, lawyers have lived with this concept forever.

Although the concept of segregating money does not deter everybody, I think it is a deterrent in that you have to take a positive step to take money out of a trust fund. The regulations impose that trust fund requirement on new registrants. I think it's a simple and very straightforward method of making people protect other people's money, basically. Personally, I'd like to see that extended to more travel agents, ones that were in operation prior to the passing of that regulation.

**Mr Curling:** Thank you very much. I have no further questions.

**Mr Sterling:** I think that the travel industry compensation fund is probably one of the best ideas that government has come up with. Perhaps that's because it was done during the Conservative years in 1975. Quite frankly, when travelling myself and talking to some of our American friends, they're quite envious of the fact that if you book through a travel agent in Ontario you have this protection. It's really a very, very cheap premium to pay. I think it's 40 cents on \$1,000. So it's quite a small premium to pay for a considerable amount of protection.

I had a friend who had booked a holiday through a

travel agent in Florida when they were in Florida, and unfortunately the travel agent went bankrupt and as a result they lost their total deposit which they had made on that particular trip.

So I think it's a good idea. One of the things I like about it most is that it doesn't involve government to a very great degree. It's standalone and away from government and we as politicians—

**Mr Kinasz:** It's funded by the industry.

**Mr Sterling:** Yes. We don't have to be worried about it as long as we appoint good people like you to it.

At any rate, I'm interested in your comments with regard to the trust fund concept and in terms of all moneys being paid into a trust fund. Do travel agents now use that as part of their cash flow, the deposits they take, and if they should go bankrupt, then the fund has to come up with that money?

**Mr Kinasz:** I wouldn't go quite that far, but agents who were in operation prior to December 1993 weren't obliged to segregate pre-payments or deposits, and to the extent that those moneys were put into their general operating account, in the case of bankruptcy or insolvency it would be very hard, if not impossible, to trace that money and find it. By imposing an obligation to segregate the money into a trust account, it's very clear. Either the money is there or it's not. If it's not, why isn't it there and where did it go? It's much easier to trace it through that segregated fund. And, again, I think it takes a positive step to write a cheque out of a trust fund and you have to make that positive decision that "I'm going to take the money," whereas when it's part of your general operating fund, as you say, you can just write it for general cash flow without even knowing it yourself, actually.

**Mr Sterling:** As you know, lawyers, if they have trust funds, have to put them into a special account and the interest that is earned on that money while it's sitting in the trust fund is given to legal aid.

**Mr Kinasz:** Yes.

**Mr Sterling:** So our government indirectly benefits, I guess the taxpayer benefits and the lawyer doesn't benefit in terms of the interest that would be in those trust funds.

**Mr Kinasz:** It was never his money.

**Mr Sterling:** It's never his money, but he has no control over it. What happens to the interest on the trust fund of those travel agents who were involved after 1993? Do you know what the—

**Mr Kinasz:** It's an excellent question. I don't know the answer to that. There's nothing in the regulations about that. There's no designation for that money to go in a specific place.

But also, at the same time, there are very special arrangements made for lawyers' trust funds with the chartered banks. The chartered banks will pay interest on lawyers' trust accounts, but they won't pay interest on other accounts, operating accounts, and they won't charge charges on lawyers' trust accounts because it becomes much too complicated. That's about all I know.



**Mr Sterling:** I know there are other machinations to that, but I just wondered whether or not the interest earned on these deposits was considered as a legitimate profit for the travel agents, or is it considered—I mean, they must have considerable amounts of money in trust at any given moment.

**Mr Kinasz:** As I say, it's an excellent question. Unfortunately, I don't know the answer to that.

**Mr Sterling:** Okay. I have no further questions.

**Mr McLean:** I have a couple.

**Mr Sterling:** Sorry. Could I just ask one more? What brings you to your interest in this matter?

**Mr Kinasz:** I'm a commercial lawyer. I've practised insolvency law for various years during my career, and I have clients in various aspects of the travel industry.

**Mr Sterling:** Okay.

**Mr McLean:** I want to know what effect you think deregulation is going to have on the airline industry in Ontario, in Canada.

**Mr Kinasz:** The theory is that it will make them more competitive and ultimately benefit the consumer. The worry and the problem is that while it is becoming more competitive, there may be casualties along the way. I guess those are the two pros and cons of the—

**Mr McLean:** Why is it that I can fly to Florida and back cheaper than I can fly to Ottawa and back?

**Mr Kinasz:** Deregulation, in international travel, particularly to the United States and back, and I think we're moving to deregulation in Canada, but obviously not as quickly.

**Mr McLean:** Who regulates the flights in Ontario?

**Mr Kinasz:** Within the province?

**Mr McLean:** The airline industry?

**Mr Kinasz:** I think the Canadian Department of Transport.

1450

**Mr Daniel Waters (Muskoka-Georgian Bay):** The one question I'd like to ask, sir, is, whenever there has been difficulty in claims, it's usually outbound travel, where people from Canada who have worked through a travel agent here are trapped somewhere else. Do we ever get inbound—in other words, we have a situation where it's within Canada?

**Mr Kinasz:** Within the province?

**Mr Waters:** Or within the province. And if we do, how prevalent is that or how many problems?

**Mr Kinasz:** To the extent that the fund gets involved or to the extent that money is drawn from the fund, it really involves insolvencies in Ontario, because it involves an insolvency of either a retail travel agent or a wholesaler. As a result of that insolvency, what happens is people end up being stuck at the airport, which is I think what happened around Christmastime when Luso Airlines couldn't meet its commitments. But basically the breakdown was at the travel agent level, which was related to the airline. What happened is the travel agent took in the money but spent it in other places. They didn't have their own planes so they tried to book

through Iberia. Iberia didn't want to make the commitment without having cash, and then you had about 50 or 60 people sitting at the airport.

**Mr Waters:** So in actuality, people coming into the province would never access this fund or have need for it.

**Mr Kinasz:** You mean from other countries?

**Mr Waters:** From other countries.

**Mr Kinasz:** Generally speaking, no. Curiously, I thought of that as I was preparing. The act talks about customers, but to my knowledge it doesn't define a customer. So theoretically, if somebody from Buffalo came and bought an airline ticket in Fort Erie, they could claim against the fund.

**Mr Waters:** Or indeed if a travel agent went to the world travel market in London and sold a Canadian product—

**Mr Kinasz:** I don't think it would even have to be a Canadian product.

**Mr Waters:** —to bring people from Europe to Ontario, they would still be covered, wouldn't they?

**Mr Kinasz:** It doesn't sound right, but it's a good question. Theoretically, an Ontario travel agent could set up a branch in London, England.

**Mr Waters:** Or attend a trade show and sell their product.

**Mr Kinasz:** In London, yes.

**Mr Waters:** Working with an airline.

**Mr Kinasz:** Yes.

**Mr Waters:** It's something I've never heard any discussion on and I was wondering, within the bill, whether those people would be covered.

**Mr Kinasz:** I'm not aware of any situation where that's actually happened, but again, I think that's an excellent question.

**Mr Waters:** I gather right now that the travel industry outbound is probably not as active as it has been in the past, with our dollar versus the dollar elsewhere in the world.

**Mr Kinasz:** I think we're pulling out of the recession. If you look at the big airlines to see that, I think Air Canada has made major steps forward in the last year or two and even Canadian has come out of the jaws of bankruptcy. My personal opinion is that the trend in that industry is positive.

**Mr Waters:** I have no other questions. I just wish you well in your appointment.

**Mr Kinasz:** Thank you very much.

**Mr Waters:** My curiosity was on inbound, because we've very seldom ever talked about that.

**Mr Kinasz:** There is one more point there. There has been a recent situation. I think US Africa Air went under and there were 100 or so people stuck in Africa. What happened is the wholesalers just made arrangements to bring them back to Canada and that was the end of the story. I think the reason you hear the outbound is because it's at Pearson International Airport, the press gets there and they're visible.



**Mr Waters:** Everybody's sitting there.

**Mr Kinasz:** Yes. You don't see 200 people in Africa.

**The Chair:** Thank you very much. If there are no further questions, we'd like to thank you, Mr Kinasz, for your appearance before the committee this afternoon.

KATHERINE LAIRD

Review of intended appointment, selected by third party: Katherine Laird, intended appointee as member and vice-chair, Employment Equity Tribunal.

**The Chair:** Our next intended appointment review is Katherine Laird. Welcome to the committee.

**Mr McLean:** Welcome to the committee. Your interest in this appointment: Why did you apply for it? Any certain specific reason?

**Ms Katherine Laird:** I had already been working in the area. I guess you have a copy of my résumé and you can see that during the interim period prior to proclamation of the legislation, I worked in a position with a rather strange title. I was called surrogate chair of the Employment Equity Tribunal. I had a lot of jokes about that, but I think I won't repeat them here today. I did that from April 1 until September.

In September I became interim chair of the Employment Equity Tribunal, and in that capacity I did startup for the tribunal. I drafted rules of practice and procedure, and I did that based on my experience as counsel to the human rights boards of inquiry. In that capacity I looked at procedural rules and practices of that board. That board, of course, was merging with the Employment Equity Tribunal.

The other thing I did during that interim period was I worked on the merger. I thought perhaps you might want to ask me some questions about the merger.

**Mr McLean:** Yes. Are you presently now at the Pay Equity Hearings Tribunal, on that?

**Ms Laird:** Yes. I'm presently a vice-chair at the Pay Equity Hearings Tribunal, and that's from October 7, I think.

**Mr McLean:** Your understanding of the Employment Equity Act I would presume would be fairly high, your knowledge of it. Do you support it?

**Ms Laird:** I don't think that's a question that I feel comfortable answering. I certainly support employment equity. I don't want to comment on the specifics of the legislation other than to say that I feel competent to interpret it.

**Mr McLean:** What are your views on the role of the tribunal?

**Ms Laird:** It will be the tribunal's job to interpret the legislation when questions come forward in disputes between parties, perhaps between bargaining agents and employers. It may be that individual employees will bring cases forward. There are currently no cases pending before the tribunal.

**Mr McLean:** Do you think the act places quotas on employers?

**Ms Laird:** I really don't feel comfortable answering specific questions about my interpretation of the act. I did have occasion to see a summary of the new federal legis-

lation this week and I noted that it asked employers to set numerical targets, so it's sort of similar, the legislation that the federal government has introduced. I think that's probably all I feel comfortable saying about that.

**Mr McLean:** The prosecution of an offence requires the tribunal's written consent. Are you familiar with that section of it, and are you prepared to make those written consents?

**Ms Laird:** I would certainly be prepared to make a ruling if called upon in such an application. That's a fairly standard section. There's the same section in the pay equity legislation. In the human rights legislation, the permission has to come from the Attorney General.

**Mr McLean:** Have you any questions?

**Mr Sterling:** Yes. I find, personally, this piece of legislation distasteful and I think it's racist, but that's a pretty strong opinion on it. I've been around this place for 17 years and it goes against everything that I believe in in terms of equality. This is not expressing anger at you at all, because I know you're not the politician.

I read an article on how this thing was going to work out and whether or not it would be implementable. There are a lot of questions as to whether or not it can or can't be. I'm not aboriginal. I'm not handicapped. Am I a member of a minority group under this legislation?

**Ms Laird:** I'm not sure what you're asking me.

**Mr Sterling:** I think that it protects minority groups, as I understand it.

**Ms Laird:** There are four designated groups in the legislation.

**Mr Sterling:** I thought if I was a minority group, I was protected.

**Ms Laird:** Well, I wouldn't characterize it as protective legislation myself.

1500

**Mr Sterling:** I call it quotas, whatever you want to call it. We have to target that—

**Ms Laird:** There are target groups certainly.

**Mr Sterling:** What is it based on? Is it based on colour?

**Ms Laird:** Are you asking me whether one of the target groups is visible minorities?

**Mr Sterling:** Okay. Am I a visible minority?

**Ms Laird:** Well, the act calls for visible minorities to self-identify.

**Mr Sterling:** What if I say I'm a visible minority?

**Mr Curling:** You're black today.

**Mr Sterling:** No, no, I'm white.

**Mr Curling:** Today.

**Ms Laird:** I certainly don't want to debate it with you.

**Mr Sterling:** No, I'm white, but I'm a minority, so am I a visible minority?

**Ms Laird:** That's for you to self-identify.

**Mr Sterling:** Let's say I am. That was the thrust of this article, that I could say, as a white male, that I was a visible minority.



**Ms Laird:** What are you asking me?

**Mr Sterling:** Can you recognize me as that?

**Ms Laird:** I'm sure I'm not going to be called upon to do that. I can't think exactly how that question would come forward to the tribunal. If you're asking whether or not there could be some disputes in this area, there could be.

I don't actually anticipate that people will self-identify capriciously. I don't know if there's any history of that happening in any other jurisdictions. In fact it seems to me that under the federal legislation that wasn't their experience. We'll just all have to see whether that kind of thing you're suggesting does become a problem.

**Ms Harrington:** With the types of questions that we've just heard, I'm wondering, what do you think is the greatest challenge that you face as part of the organization that is charged with carrying out this legislation, in particular the tribunal? Do you feel that the educational process around this is going to be difficult? Because there seem to be misconceptions obviously.

**Ms Laird:** There may be misconceptions in the committee. I think it's significant that there aren't any applications yet, and to me that suggests that the parties are working it out. The parties to date are OPSEU, of course, and the public service. To the extent that bargaining agents and employers and employees work through the legislation, that's going to be an educational process. It's the commission rather than the tribunal that has the job of education. I understand that they're getting lots of inquiries, but it has some significance that we haven't had any applications yet. In other words, things are being worked out.

The kinds of things we expected to get early on were questions concerning job responsibilities, whether or not one side or the other was in fact living up to its responsibilities to work on an employment equity plan, the survey of employees and the review of employment practices. All those types of preparatory things I guess aren't progressing, at least in the public service. It's that process that will really tell.

We'll of course get the disputes at the tribunal. Sometimes people come thinking they have one problem when in fact they have another problem. That's always a challenge for a tribunal. To be practical and to have efficient hearings, those kinds of things will be our concern.

**Ms Harrington:** Am I interpreting what you're saying correctly by saying that you don't feel it's the tribunal's job to be in an educational role in the community?

**Ms Laird:** No, I don't think so, but our decisions do play that function, play that role. The tribunal can't be seen to speak on the legislation other than through its decisions. It's the commission that has to come up with interpretative policies and educational materials and all that type of thing. The tribunal can always be misjudged if it starts to say, "We think this section means that," or, "That section means such-and-such." You have to wait until you get the particular facts in front of you. Only our decisions will serve that function.

The chair, of course, will do a certain amount of public

speaking, as chairs do, but it's actually quite a fine line for a chair.

**Ms Harrington:** So as a member of the tribunal, you're obviously looking forward to this, I think.

**Ms Laird:** I am.

**Ms Harrington:** You don't see any real huge problem or danger ahead, or challenge?

**Ms Laird:** It's always a challenge to interpret new legislation. That's always a bit scary. People try to guess what the Legislature meant, and you'll know better than I that that could perhaps be a challenge in and of itself. But I do think it's exciting.

One of the particular exciting things about this tribunal, I think, is the fact that it's being set up in conjunction with the other two, so that the adjudicators will all hear also human rights cases and pay equity cases. That's quite an opportunity not only for cost-efficiencies but for a sharing or pooling of expertise. That's very exciting to me as an adjudicator. I've been doing human rights adjudication for I guess just about a year, and then I was in the counsel role before that.

There really will be a body of evolving equity law, always influenced by whatever decisions in other jurisdictions under the charter, particularly in the human rights area, so that's very exciting. Otherwise, if you didn't have that jointly appointed group of adjudicators, you would find that all the employment equity cases in the province would be decided by two people, and all the human rights cases, if you were talking full-time, two people could handle them. That's not a good situation in terms of developing a credible body of law. You don't want the same two people always interpreting the same sections because it doesn't lead to the kind of enrichment that you get when different perspectives are brought to bear on all those legal issues that arise out of these three pieces of equity legislation.

So that's a particular exciting thing, and I feel it's a particular opportunity. It's something that I worked on quite hard in my other roles previously, because I thought it was exciting. You know there are amendments to the Human Rights Code that went through in the omnibus bill and that's part of putting the three tribunals on an equal footing.

**Ms Harrington:** One further question: From your personal view, what would be your vision of our society in about five years from now? Do you think this will have an impact?

**Ms Laird:** I hope that with this legislation, as with any legislation, the goal is to produce a fairer society. I know that there are concerns about the legislation. I think that only when you've lived with it for a while can you really get a sense of how it shakes down. I would certainly hope that five years from now employers would say, "It didn't seem like such a burden," unions would say, "We learned something from this exercise," and some employees would say, "We have a better workforce because we can see that merit still operates but we can also see that we have a balanced group of people here to work with." You always hope that you achieve fairness. Whether or not the legislation does it, we'll have to wait



and see.

**The Chair:** Mr Hope, three and a half minutes.

**Mr Callahan:** I'd be kind to lawyers too, because I think this young lady is a lawyer.

**Ms Laird:** Well, I'm trying to talk a lot so you don't get too many questions.

**Mr Hope:** Yes, but you make sense; he doesn't. That's the difference.

**Ms Laird:** I don't know; lawyer jokes are always apropos.

**Mr Callahan:** I'm going to get that endorsement on Hansard.

**Mr Hope:** Mr Callahan keeps interrupting in my time, Madam Chair.

I'd like to ask you a question, and I've listened to the conversation that has taken place so far. I take it to mean that you're not totally comfortable, that you would like there to be more improvements in the legislation than are currently there.

**Ms Laird:** I think that—

**Mr Hope:** I don't need you to answer. This is what I'm hearing from you. You were saying that you reserved an opinion about the legislation when you were asked the questions from the opposition, and I take it that you would probably like to see more improvements in the legislation.

**Ms Laird:** I have no idea of what would be an improvement. I wouldn't want to be interpreted as having said that at all.

**Mr Hope:** Okay.

**Mr Curling:** Ask a question, Randy, and let her answer it.

**Mr Hope:** I'm just trying to understand. The questions were being posed over there, and you felt very uncomfortable about answering them.

**Ms Laird:** I don't think it's appropriate for me as an adjudicator to comment on the specifics of the legislation. Anything I say can be interpreted as my having my mind made up on an issue. You're the legislators. You know the legislation.

**Mr Hope:** That's the important part I was trying to get on the record, because I was listening and I thought, "Maybe she's not comfortable with certain sections of the legislation," and then because you're now going to be asked opinion and decision, you might say, "Well, I can go better," and then you pursue your own opinion.

1510

**Ms Laird:** Oh, no. I'm quite sorry if I was interpreted as saying that.

**Mr Hope:** That's what I wanted to make sure, that I was clear.

**Ms Laird:** No, no. My discomfort is in being asked to comment specifically on the legislation, something that no adjudicator willingly does and, to be frank, I really have made a point of not developing opinions. You don't know how a section is going to look until you get it in front of you on facts.

**Mr Curling:** Especially this one.

**Ms Laird:** Well, I don't know. But it's not in the nature of the work that you spend a lot of time in advance figuring out what a section means. You want to understand, you want to have read it, you want to know how the act fits together. But no, I certainly don't have anything like an amendment in mind.

**Mr Hope:** I'm sorry I had to ask that question, because when I was looking through your CV here, I looked at some of the publications you've done and the presentations you've done. You seem to be a person people draw upon for an opinion quite a bit, and then when I heard the comment it kind of threw a fuzzy in it and I had to understand clearly for myself where you were coming from, because I don't understand it and I'm sure somebody who's reading Hansard is not going to understand about the individual who has come before this committee.

I just needed clarification, because when I look through here, you've given a lot of people a lot of legal opinions and opinions about different stuff, you've done a lot of excellent writing by the looks of it. I've read some of them. You've taken the additional training. I'm sitting here saying, "Something doesn't make sense to me," and that's why I had to ask where you're at with the legislation, whether there are improvements needed in it.

**Ms Laird:** I'm sure I didn't say anything about improvements.

**Mr Hope:** This is the understanding—some of the questions that are coming from the opposition—

**The Chair:** I'm sorry, Mr Hope, you're out of time now.

**Mr Hope:** You didn't compensate me for the questions they were asking over there.

**The Chair:** Probably if both sides didn't bait each other and the opposite side didn't rise to the bait of the other, you wouldn't have so many interjections on both sides today that we don't normally have.

*Interjections.*

**The Chair:** No, I point that out as the Chair quite sincerely. We have two different substitute members here today and normally we treat our guests politely and we have a normal, quiet procedure. Anyway, it is now the turn of the Liberals and I'm going to Mr Curling.

**Mr Curling:** Thank you for coming before us. Now we come to the permanent member of the committee maybe we'll get some, as you said—

**Mr Sterling:** Sanity.

**Mr Curling:** —sanity in all of this. Ms Laird, could you tell me if you've ever had any government contracts in the past?

**Ms Laird:** When I was employed as a solicitor with the boards of inquiry office it was on a services contract as opposed to an employment contract. If you're asking whether, as a business person—

**Mr Curling:** As a consultant under a consultant's contract.

**Ms Laird:** That was a kind of consultant's contract, frankly. There wasn't a salaried position in the budget, so you'll see that for a period of some two years I was



counsel to the chair of the Human Rights Commission's boards of inquiry. That was as a consultant really.

**Mr Curling:** It had nothing to do with employment equity?

**Ms Laird:** No.

**Mr Curling:** Do you have any background in administrative law?

**Ms Laird:** Yes. I also worked quite a bit in the area of housing actually at the time, sir, when you were the Minister of Housing. I don't know if it shows up in my résumé, but—

**Mr Curling:** When I was the minister, you said? Those were good days.

**Ms Laird:** Yes, I thought you might think back fondly.

**Mr Curling:** Yes, gone are the days.

**Ms Laird:** I was on the Rent Review Advisory Committee, you'll recall.

**Mr Curling:** What a good committee that was too.

**Ms Laird:** I don't know. I have nightmares sometimes thinking—

**Mr Callahan:** RCCI and BOCI, eh?

**Ms Laird:** That's right.

**Mr Curling:** RCCI and BOCI, of course. I want to follow up on what Mr Sterling said, but I want to take it a bit further. Let's say that someone who looks like Mr Sterling puts on that self-identification form that the person is a black female. Could the tribunal question that if it came before them?

**Ms Laird:** The first question would be, how would that question come before the tribunal?

**Mr Curling:** Self-identification. It says "sex" and it talks about race and they put it down.

**Ms Laird:** Right. I doubt that the tribunal will ever get that case in front of it. That's the kind of thing that I think would be resolved at an earlier stage. But if the legislation—

**Mr White:** You'd have to go to the review board for that one, Mr Sterling.

**Ms Laird:** Let me repeat part of what I said earlier. I don't think people will capriciously self-identify, but I may be naïve; I don't know. If there is such a problem in particular workplaces, perhaps it will be worked out by the parties who are negotiating their employment equity plan. Perhaps there will be challenges. If the plan gets posted and the employees think, "This is kind of weird, it doesn't look right," perhaps that would be a case where the commission would get involved and perhaps it would get to us. I can't even really think what section of the act would bring that one forward, sitting here.

**Mr Curling:** I said the section of the act that would bring it forward. First, there's the form that says "self-identification."

**Ms Laird:** I realize how that would happen. I'm just not sure how it gets, in an application, before the tribunal. It may be a joint responsibilities question. But I'm sure you're not asking for that kind of detail. It just remains to be seen whether that kind of thing will happen

under the legislation and, if so, how it'll be resolved.

**Mr Curling:** The federal employment equity legislation talks about the limitation respecting the direction of orders wherein no officer may make any order where the direction would bear undue hardship on the employer or no quota should be put in place. I know you were quoting, a minute ago, the federal legislation. Do you believe that's a better way to go or that the federal legislation is better legislation in that respect?

**Ms Laird:** No, I have no comment on that. I couldn't make a comparison. I actually haven't done a section-by-section read of the federal legislation. I noted that it did have numerical targets and that it did say something specific about merit and I noticed the "undue hardship" provision, which is in the Ontario Human Rights Code but not specifically in our employment equity legislation.

Both statutes, as they're lived with and interpreted, may fall down to the same thing. It's hard to say at this point how those different sections would be interpreted and fall out.

**Mr Curling:** So you're not giving any comment really on that.

**Ms Laird:** I'm not really going to tell you whether I think it's better legislation. Let me say even more than that. I haven't done a section-by-section comparison and I wouldn't be competent. Even if I wanted to give you that opinion I'm not competent to do that at this point. I really have just read a summary of the federal legislation which came across my desk yesterday.

**Mr Curling:** The reason I asked this is that the present government from time to time has raised the fact that the federal employment equity legislation is a very good one and this is patterned off that. I found that within the federal legislation it talks about no officer or tribunal may impose any quota on an employer. That is why I wondered, seeing that they have praised the federal legislation so much, what your feeling was on that. But you're saying you're not going to give your impression one way or the other.

**Ms Laird:** I actually haven't read that section. What I read, to be clear, was a comparison between the two pieces of legislation and I've said that both had numerical quotas. But as far as the section you're referring to and how it might be interpreted, I'd never feel comfortable unless I had the section in front of me and I wouldn't want to comment.

**Mr Curling:** All right. Since you will be on the tribunal—of course you'll be endorsed—let me just ask you a personal favour. In subsection 30(1) of the federal legislation it says, "No compliance officer may give a direction under section 23 and no tribunal may make an order under section 27 where that direction or order would cause undue hardship on an employer." There are a couple of others: "require an employer to create new positions in his workforce" and "impose a quota on an employer."

1520

**Ms Laird:** Are you reading the section from the federal legislation?

**Mr Curling:** Yes. I'm just saying to you that, being



on the tribunal, if it comes up from time to time, there are suggestions you can make, as you said, as it comes out of play, as these cases come before you. Keep that in mind and watch the federal legislation and see which one is more effective, and then you could make, of course, as a tribunal, observations of what you see. My personal request of you is to submit those personal observations to the then minister of the day. Would you promise me that?

**Ms Laird:** No, I'm sorry, sir. I can't promise you that.

**Mr Curling:** Oh, that's so unfortunate. I would have thought that she would.

**Ms Laird:** The only other way that a tribunal speaks, other than in its decisions, would be in an annual report.

**Mr Curling:** If it isn't there, I'd like you to put it there.

**Ms Laird:** You would be more likely to hear that kind of comment in an annual report of the Employment Equity Commission. You'll notice, for instance, that the federal human rights commission often comments at length about their legislation. Tribunals generally don't. But I will certainly tell the chair of this tribunal that you have mentioned that.

**Mr Curling:** Please. My last question that I have for you is, just give me your opinion on this: Do you feel that the creation of employment equity is really a failure of human rights in enforcing some of the abuses that happen in the workforce?

**Ms Laird:** I hope that the employment equity legislation can address some areas that perhaps weren't adequately dealt with under human rights legislation.

**Mr Curling:** How much more time do I have?

**The Chair:** You have a minute.

**Ms Laird:** I think it would be fair to say that the impetus behind the legislation partly arose out of a feeling on the part of the Legislature—and certainly you'll know that better than I—that there were some areas in which human rights law wasn't doing as effective a job. That's my understanding of why the legislation came forward.

**Mr Curling:** My colleague Bob Callahan would like to ask—

**Mr Callahan:** I just wanted—

**The Chair:** You're out of time.

**Mr Callahan:** You just told him he had a minute.

**The Chair:** Yes.

**Mr Callahan:** Surely that minute didn't go by.

**The Chair:** And?

**Mr Curling:** That was a short question.

**The Chair:** There isn't time.

**Mr McLean:** I'll take the word of the Chair.

**The Chair:** Do you want to look at the clock?

*Interjections.*

**The Chair:** Ms Laird, thank you for your appearance before the committee this afternoon.

**Mr Hope:** Madam Chair, on a point of order: I'd like to correct the record, if that's under the point of order.

**The Chair:** Yes. You are able to correct your own record.

**Mr Hope:** Yes, that's what I'm going to do.

**The Chair:** Go ahead.

**Mr Hope:** I had made an interpretation about tax dollars being brought into—when we were questioning the person to the casino—

**The Chair:** Yes.

**Mr Hope:** Let me get it correct here.

**The Chair:** Mr Comartin?

**Mr Hope:** Yes. During that questioning time period I made reference to the minister saying there would be no provincial tax dollars associated with that. I was wrong and I'd like to correct the record.

**The Chair:** All right. Thank you, Mr Hope, for correcting the record.

JAMES R. HANSON

Review of intended appointment, selected by government party: James R. Hanson, intended appointee as member, Science North board of trustees.

**The Chair:** Our next intended appointment review this afternoon is Mr James R. Hanson. Welcome, Mr Hanson, to the committee.

**Mr James R. Hanson:** Good day.

**Mr Waters:** It's nice to have you down. I guess the first question is, how's the snow in Sudbury?

**Mr Hanson:** The snow is really in between here and Sudbury. I think it's falling in your area primarily, but it's actually kind of nice through there.

**Mr Waters:** I'm going to take that part of the Hansard and send it to a friend of mine up there.

It's nice to have you here. I guess my questioning would be on the changes to Science North and where you, as a prospective board member, think you would like to see Science North go from here. The Cinesphere and all of that has gone in, which I think are all positive things not only for Science North but for Sudbury. It's my belief that Science North is the focal point within Sudbury of the tourism industry that is being built in the region, at least in the summer months. I know there's some activity out there to get snowmobiling going in the winter, but without snow that's a little bit tough. You can send them all to Muskoka.

I guess what I'm asking is, do you have a vision for Science North? I don't believe there is any need for drastic changes, but if you do see that, could you talk about what you see in your vision for Science North with it?

**Mr Hanson:** I don't see any major changes. What I see is the growth that's taken place over the last 10 years continuing, and Science North without question, as you mentioned, serves the Sudbury community very well, as well as all of northern Ontario. I think where the growth can come from is through the outreach programs and the ability of Science North to get as many visitors as possible, I suppose, from all of northern Ontario. If they can't make it to the science centre, then Science North should make it to them, and I think particularly through



the outreach program. Certainly in the community, with the new Imax theatre and all the science-based programs that are ongoing at the present time, it's without a question a terrific focal point for educating not only northern Ontario but I think all Ontarians to the education of science.

**Mr Waters:** You touched on one of the things that I've always found interesting about Science North, and that is the outreach program, taking science to the community instead of trying to convince the—and in the north it's communities from great distance to come to Sudbury. Sort of whet their appetite and then they can maybe come and see the real thing. I think you indicated that you see that as a key part. Do you think that indeed it should be expanded upon? I don't know exactly how you would expand it, but I guess I would ask your opinion. Should it be expanded upon, especially when it comes into the schools in northern Ontario, so they would have an understanding?

**Mr Hanson:** I think I could come up with specific ideas on how it could be expanded. Being a new member to the board, I really don't have those ideas at this point, but I think the vision or the thrust should be to try to encourage as many people to see what's available at Science North, whether through the outreach program or have them actually visit the centre itself. I certainly remember as a younger person and being in the north coming to the Toronto area to visit the various attractions, and I think with the growth of the province that's what really is encouraging in the Sudbury area, to try to build upon those facilities, such as Science North, that can build a sense of pride in the north and accomplishment, as well as have children and adults be able to experience world-class science exhibits and take part in them and learn more about science, which of course would encourage them to maybe pursue careers and interests in those areas.

1530

**Mr Waters:** The next question is probably better asked of someone else other than yourself, but I'm going to ask it anyway. That is, when I look at your CV, I see United Way and fund-raising and all of those wonderful things. I know that Science North, being, shall we say, a very proactive group of people, is always looking for new ways and indeed ways within the community and within the province to raise funds to make it bigger and better and to do the programming that they feel and we all feel is so important. Do you think they'll be calling upon your expertise in this area?

**Mr Hanson:** I think so. I've just finished as chairman of the United Way campaign in Sudbury and district for 1993, actually, and I think certainly the thrust of most agencies that we see today will be the difficulty in getting funding for various programs. If Science North is going to keep improving and to keep providing a world-class quality source of exhibits and what have you, there's going to have to be some outside funding. I can see that.

Specifically, as far as ideas on how to do that at this point, I've given it some thought but I really don't have the ideas at this point to be specific about what would be done. But I think there's some great potential. There's

certainly a lot of competition out there for the fund-raising dollars, but fund-raising up to this point has been very successful at Science North, certainly for the Imax theatre and the film Shooting Star as well. Both programs were funded to a tremendous level in the community and I think the future bodes well as far as future fund-raising goes throughout northern Ontario.

**Ms Harrington:** What do you feel from your professional background might be helpful in this role?

**Mr Hanson:** I think the biggest thing is probably trying to tie in an agency such as Science North with business. My early background was with education—I was trained at McArthur College in Kingston—and I'm very close to the education industry, if you will. But as far as my personal background at the present time goes, I think it's to try to tie in the science programs and possibly the fund-raising and try to draw closer ties between business and industry to the science centre.

**Ms Harrington:** Some members of a government committee that I was with, I believe the end of August or so, were in Sudbury. We had a great time there; you can ask Mr Curling. We were very close to Science North. We didn't actually have the time to go through it but we did have lunch there and that was lovely at that time of year. We got to walk around the lake there a little bit.

**Mr Hanson:** That's a great start, and the next visit we'll get you through the building.

**Ms Harrington:** I want to ask you two questions. First, do you see any problems ahead for Science North? I don't know the operating of it at the moment. Are things going smoothly? Secondly, we do have some figures here, but roughly what percentage of your budget is from government and what is from private sources or your own generated revenues?

**Mr Hanson:** In terms of the first question, the difficulties that might be coming over the horizon, so far the community and anyone I talk to is always amazed at how well Science North functions. It's very well managed, has a terrific corps of volunteers, and I think functions on a day-to-day and year-to-year basis extremely well. So I don't see any difficulties in the past. As far as difficulties in the future, I think the sources for any difficulties would probably be, how big can it become and what funding might be available and what's the funding potential both in the community and from government sources that would enable it to achieve the goals and objectives that are set out?

As far as the percentages go between the government and private sources, I don't know offhand specifically. Again, being a new appointee to the board, I'm not exactly sure. I believe it's about 80-20, but I can't be specific at this point: 80% government funding.

**Ms Harrington:** So 80%, and is that directly from the Ontario government?

**Mr Hanson:** That's correct. I should say that there were federal funds made available for the Imax theatre as well; there have been federal funds made available as well.

**Ms Harrington:** And your budget is roughly about \$30 million?



**Mr Hanson:** Again, in terms of exact budget figures, I couldn't be specific. I'd hate to say and be wrong on it.

**Mr Callahan:** Welcome, Mr Hanson. The first question I'm going to ask you, and I hope you won't be offended by it, is, are you related to anybody who's a sitting member of the Legislature?

**Mr Hanson:** No, I'm not.

**Mr Sterling:** One of the Hanson Brothers in that movie?

**Mr Hanson:** Just the movie. That's right.

**Mr Callahan:** The second question I would have for you is, you seem to have a fairly extensive understanding of Science North, and yet I notice you have never—at least I believe you've never—applied for that position before. Am I correct?

**Mr Hanson:** That's correct.

**Mr Callahan:** First of all, how did you find out about this and why did you, at this stage, apply for the position?

**Mr Hanson:** I'm not familiar with your background as much, but I think if you're familiar with the way communities operate, particularly in the smaller communities and particularly communities in areas such as northern Ontario, a facility like Science North becomes a very big focal point for the community, and if you're involved in the community you're automatically drawn to that focal point.

I think with my present employment, present business and previous employment through the airlines, with the chamber of commerce and United Way, you're always touching, at some point, every week, something going on at Science North. It's very easy to become familiar with what goes on there. Any committee you're sitting on often, if it's not a facility you're using at Science North, you're bumping into somebody from Science North. It's osmosis, basically.

**Mr Callahan:** I notice that you're an owner-operator of a car rental franchise and you also have, according to your CV, links with the aviation industry. Do you see any potential for conflicts arising as a trustee of this facility?

**Mr Hanson:** There could be some conflicts, but I think the guidelines in terms of conflicts are pretty clear. I spoke briefly with the chairman of the board and he made it quite clear how seriously he and the group treat any conflicts of interest, and certainly they have to be declared. I don't see any problem whatsoever; if there is anything that's remotely close, it would be declared.

**Mr Callahan:** How long a period is this appointment for?

**Mr Hanson:** I believe it's three years.

**Mr Callahan:** And it's part-time, is it?

**Mr Hanson:** It's voluntary, so it certainly would be part-time.

**Mr Callahan:** Have you ever run for elected office?

**Mr Hanson:** Not at all.

**Mr Callahan:** Have you participated in elections?

**Mr Hanson:** No, not at all either.

**Mr Callahan:** A purist, good heavens.

**Mr Sterling:** Can I ask a supplementary question?

**The Chair:** Your turn's coming.

**Mr Sterling:** I was going to ask if he would like to participate in an election.

**Mr Callahan:** I don't think I'll ask you that question, Mr Hanson. As my predecessor in my riding, who was the former Premier of this province and their leader, used to say, it will all occur in the fullness of time.

In any event, these meetings for Science North are obviously held in Sudbury, or are they held elsewhere?

**Mr Hanson:** No, they're held in Sudbury. I think from time to time, because the board is representative of a cross-section of individuals from the Sudbury area as well as northeastern Ontario, I can see probably where meetings would be held outside of the Sudbury area, but none to my knowledge at this point.

**Mr Callahan:** Have you found that the attendance of people at Science North, with its expansion, has increased?

**Mr Hanson:** Again, to be specific about a lot of those things, I don't have the numbers at my fingertips, but certainly from what I read publicly and my knowledge of Science North, I think the attendance figures are above projections. They're doing very, very well. Particularly, the Imax theatre seems to have enhanced the overall numbers of people who are visiting the science centre itself as well, which is what was expected, that it would tend to draw more people to the whole facility. That seems to have been the case.

**Mr Callahan:** Is the facility at Science North designed in such a way that it's available, accesswise, to the disabled?

**Mr Hanson:** Yes, it is.

**Mr Callahan:** Fully?

**Mr Hanson:** Yes. Again, I can't say specifically, but I know that it's a world-class facility, it's a modern facility and there's no question in my mind that it's fully accessible in every respect.

**Mr Callahan:** How many trustees are there?

**Mr Hanson:** There are 20.

1540

**Mr Callahan:** I'm just a visitor here but I gather that this is the only application. The other positions are filled, are they?

**Mr Hanson:** I believe they are.

**Mr Callahan:** All right. Thank you very much. Have a safe trip back to Sudbury and say hello to Floyd for me. No, I guess it's Shelley.

**Mr Sterling:** I just want to say that I read over your résumé and you've done a lot of things in the community. I am somewhat surprised that it was necessary to have you down here, but I'm sure you enjoy the trip. I just wanted to say that as a campaign chairman for the district United Way you've undertaken some major voluntary commitments in the past, and I wish you well. I'm sure if you put that kind of time into a voluntary endeavour you'll be an asset to this board.

**Mr Hanson:** Thank you very much.



**Ms Harrington:** On a point of order, Madam Chair: I want to tell you that I was wrong in the figure that I gave. Could I correct my record?

**The Chair:** Yes, you can correct your record, but can we just finish so we can let Mr Hanson leave?

**Ms Harrington:** I'm sorry. I thought you were finished.

**Mr McLean:** I just had a couple of short questions. Over the past year, for 1994, have your revenues been up, are you aware, or are they down? We have 1993, but are you aware of whether the revenues are up or down?

**Mr Hanson:** I don't have that knowledge. I understand they are up, but specifically I couldn't be sure.

**Mr McLean:** All members are volunteer on the board. They just get expenses, but the director I guess is the only one who's paid. Do you have any idea how much the director makes?

**Mr Hanson:** No, I don't.

**Mr McLean:** Would you like to know? Thank you for appearing.

**The Chair:** You're complete? All right. Thank you very much, Mr Hanson, for your appearance before the committee this afternoon.

Now, Ms Harrington, you wish to correct your own record.

**Ms Harrington:** Yes. I indicated that the operating budget was somewhere around \$31 million. That was the bottom line here. That is in fact the capital assets. I understand the operating budget is about \$7.5 million, of which it's roughly split 50-50 with the private and public contributions.

**The Chair:** Thank you for doing that.

Now we have some matters before the committee. The first would be to move a motion on today's appointments, if someone would like to move a motion.

**Mr Waters:** I so move, Madam Chair.

**The Chair:** They can be voted on individually or collectively.

**Mr Callahan:** I'm asking that they be voted on individually.

**The Chair:** You want all of them voted on individually?

**Mr Callahan:** Yes.

**The Chair:** Okay. Mr Waters, you're going to move them all?

**Mr Waters:** Yes, I move all of the list.

**The Chair:** Mr Waters has moved the appointment of Mr John Fera as—

**Mr Callahan:** On a point of order, madam Chair: Could I also inquire of the clerk whether or not all the members who are about to vote on this are properly subbed in as voting members? As I understand it, there are at least two changes, I believe.

**The Chair:** All right. Let's have the clerk answer your question then, Mr Callahan.

**Clerk of the Committee (Ms Lynn Mellor):** Everyone's a properly subbed member.

**Mr Callahan:** They're all properly subbed in?

**Clerk of the Committee:** Yes, on both sides.

**Mr Callahan:** Because this morning we had other members sitting there.

**Clerk of the Committee:** I had sub slips for this morning and sub slips for this afternoon.

**The Chair:** That is quite in order. We will try to do the motions without any interruptions.

This motion is moved by Mr Waters, that Mr John Fera will be appointed as a member of the Gaming Control Commission. All in favour of that motion? Opposed, if any?

If you are sitting at the table you have to vote. Mr Sterling, are you voting?

**Mr Sterling:** No, I'm not voting.

**The Chair:** All right. Thank you. Mr Curling, you're not going to leave forever, though, are you?

**Mr Curling:** No.

**The Chair:** The next motion by Mr Waters is Mr Glenn Buchanan as a member of the Gaming Control Commission. All in favour of that motion? Opposed, if any? That motion is carried.

The next motion by Mr Waters is Mr Ken Signoretti as a member of the Ontario Casino Corp. All in favour of that motion? Opposed, if any? That motion is carried.

The next motion by Mr Waters is Ms Barbara Young as a member of the Workers' Compensation Appeals Tribunal. All in favour of that motion? Opposed, if any? That motion is carried.

A motion by Mr Waters that Mr Joseph Comartin is appointed as a member of the Ontario Casino Corp. All in favour of that motion? Opposed, if any? That motion is carried.

A motion by Mr Waters that Mr Gerald William Kinsz be appointed as a member of the Ontario Travel Industry Compensation Fund board of trustees. All in favour of that motion? That vote is unanimous.

A motion by Mr Waters of Ms Katherine Laird as a member and vice-chair of the Employment Equity Tribunal. All in favour of that motion? Opposed, if any? That motion is carried.

A motion by Mr Waters that Mr James R. Hanson be appointed as a member of Science North board of trustees. All in favour of that motion? That motion is unanimous.

Thank you for that part of the business.

We have one matter. I received a letter, which I think was circulated to the committee members, from Marilyn Roycroft, the director of public appointments in the Office of the Premier. The letter is dated January 24, 1995. I'll read the letter into the record, I think. Actually, the letter is to the clerk of the committee, Ms Mellor:

"I am writing in response to your memo of January 11, 1995, regarding the subcommittee's request that Peter C. Engelmann, the intended appointee as member, Board of Inquiry (Police Services Act), and Gord Wilson, the intended appointee as member, Ontario International Trade Corp, who had been selected for review by the



subcommittee on Wednesday, January 11 or Thursday, January 12, 1995 be postponed until the committee has conducted its review of the intended appointees in March, 1995.

"As you know, the public appointments secretariat has always attempted to cooperate with the committee. However, regarding the above cases, we will be unable to agree to the subcommittee's request since the resulting delays would adversely affect the work of both boards."

I think it's important to know that the delay was not of course caused by the committee. The committee clerk did try to schedule both Mr Gord Wilson and Mr Peter Engelmann, and their schedules precluded them from being able to commit to interview times when the committee was sitting in January and also in February, but this letter was sent on January 24.

**Mr Callahan:** Since I'm a sub on this committee and have been severely maligned by the Chair, can I inquire whether or not Gord Wilson is the Gord Wilson of the labour movement? Is that right?

**The Chair:** Yes, it's the same Mr Gord Wilson. And I apologize if you feel you've been maligned. There was no intention.

**Mr Callahan:** No, no. I'm kidding, Margie. I would never say that of you. But I don't quite understand the tenor of that letter.

**The Chair:** The explanation of the letter is that normally the process is that the director of public appointments in the Office of the Premier submits to the committee lists of intended appointments. The subcommittee selects, as you know, as part of this process, people who will be invited to be interviewed. Then the full committee approves the subcommittee report, and those people who are selected to be interviewed are not appointed until after they're interviewed. The balance of the names on those lists that are submitted to the committee automatically are confirmed as to their appointments by the Office of the Premier.

1550

**Mr Callahan:** That's my question.

**The Chair:** The next thing that happens is obviously the appointment, the people who are to be interviewed by the committee—the clerk's office attempts to schedule them as quickly as possible in order that the appointment process cannot be interrupted unnecessarily. It has to be done by the statute within 30 days. However, sometimes what happens is that the people who are being requested to come before the committee, because of their own personal schedules, are not able to within the time frame. The request then goes back to the Office of the Premier to request that the committee needs more time in order to schedule them because somebody's out of town or they're at another hearing or whatever their personal commitments in time are.

In this case, we did not have a meeting. The last the committee knew was that we had requested more time from the appointments secretariat. The reply we got was this letter that I've just read into the record where the director of public appointments said that they were not able to grant the committee more time to schedule the

appointments, so therefore those appointments did proceed.

**Mr Callahan:** The purpose of that question was, does the director of appointments, or whatever it's called, have the authority to override a direction from a legislative committee?

**Clerk of the Committee:** The time frame set out in the standing orders says that the committee must review the appointments within 30 days from the time the subcommittee selected them. It doesn't stipulate that if they're not available or if the committee's not available—it just stipulates within 30 days. There is nothing the committee can do to extend it on their own—it's strictly a courtesy on the part of the secretariat—other than request that the secretariat not put the appointments through until, and in most cases it's been granted; not in all cases, but in most cases.

**Mr Callahan:** Not to prolong this or to sound overly political, but does that mean the political appointment secretary in the Premier's office could in fact keep us from examining any or all recommended appointments and have them automatically approved without any attempt, albeit a minimal one, by this committee to say yea or nay to them? I find that absolutely outrageous.

In Ottawa they're castigating the federal Liberals for the type of conduct that's going on there, and yet here we have this charade that supposedly is available for the review of so-called appointments and in fact people can be extracted from it simply by the appointment secretary not acceding to an increase in the rather narrow standing orders provision, I would think.

I just put that on the record. I find it incredible that the press is all over Ottawa about what they're doing or not doing, and yet down here we sit here day after day approving appointments that are already approved, without any purpose and at the taxpayers' expense, which I find absolutely outrageous, unbelievable.

**Mr Curling:** Madam Chair, if I understand the letter properly, I think it is stating that we ran out of time, although we have requested an individual to come before us, and therefore the executive body will proceed in confirming this appointment because this person had said they could not accommodate us at a time that is convenient for both of us to meet for this interview. Is that my understanding?

**The Chair:** I think the answer to both Mr Callahan's and your question is in the last sentence where they say, "We are unable to agree to the subcommittee's request since the resulting delays would adversely affect the work of both boards." That is their answer.

**Mr Curling:** That brings me to the point of why this committee continues to be a farce, in a sense. We know that when individuals come before us—sometimes we call them applicants—they're already confirmed no matter what we do. They've never turned down one individual here, if there's any disagreement. I've never seen anyone who has been turned down from this board.

Now, here it is that we had requested an individual. We asked for two things: that either the person come before us before our time runs out, so to speak, and the



first thing they do is block us by saying, "We will not give you any more extension for this committee to meet, and furthermore, because your time has run out, we'd better confirm this individual."

I think it's the biggest farce I've ever seen. That is why I don't vote on this committee. I just want to put that on the record, Madam Chair.

**Mr Hope:** Is it one or two people that you mentioned?

**The Chair:** There are two.

**Mr Curling:** I didn't say one. I said those who are—

**Mr Hope:** You're saying "person," and I want to know if it's two.

**The Chair:** The letter is referring to Mr Gord Wilson and Mr Peter Engelmann. Mr Sterling?

**Mr Sterling:** Just one question and then I'd like to comment immediately after that: Has this happened before, this particular idea of somebody being unable to come to a committee and then you've requested an extension and it's been refused and they've gone ahead and appointed?

**Clerk of the Committee:** The occasion that the committee has requested to the secretariat has happened more than one time, several times, but it has been refused previously. This is not the first time they've refused.

**The Chair:** Usually it's granted.

**Mr Sterling:** Okay. The comment I would like to make is, number one, the appointments are made by the government, and therefore if there's an urgency to fill a particular position, it's the government's own incompetence in not doing this soon enough to make certain that this committee has the opportunity to call those appointees in front of this committee. Therefore, the argument that they are needed this month rather than a month from now is very, very hollow, because it's a problem made by the government itself, the people who appoint these people.

The second thing is that I am amazed that this committee has tolerated it in the past. Basically, what it says to me is that if I am appointed by the government and I do not want to come in front of this committee, all I need to do is find some excuse for why my time schedule will not allow me to meet with the legislators of this province, say to the clerk of this committee, "I'm sorry, I can't be at your meeting on such and such a date," then go to the appointments secretariat and say: "Don't grant a 30-day extension. Then I'll never have to appear in public and justify my appointment."

It really, really reeks of arrogance on the part of the Premier's office not to grant a 30-day extension in these cases. If these people want to be appointed to a public appointment, it's in the standing orders that this legislative committee has the right to at least ask a few questions, even though there's no real power in this committee to refuse an appointment. It really reeks of arrogance that the Premier's office will not give an extension and allow this committee to interview, particularly a high-profile person like Gordon Wilson. I'm amazed, Madam Chairman, at how weak this committee's powers are.

**Mr White:** I just would like to comment that what we're talking about is the exception rather than the rule, and that what we have had, generally with this committee, the many times I have sat on it, has been a genuine, interested, fair process of review—

**Mr Callahan:** What a joke.

**Mr White:** —that on occasion is tarnished by some partisan innuendos. But I think the purpose of the committee is to ensure that public appointments are filled with competent people.

1600

**Mr Curling:** You're rubber-stamping them.

**The Chair:** In fairness, the government members didn't interrupt you.

**Mr White:** Along those lines, there will, I'm sure, be occasions when it is very difficult to assure the attendance of all the bodies necessary. We're talking about meeting two days a month; it's not always possible. But we do have a review process which is public, which is accessible and which of course is the first time that's ever happened in this province.

**Mr Waters:** Every time we get someone new on the committee we hear this same story.

**Mr Hope:** Whoa, whoa. Make that clear. I mean, I'm new here. I would have been out of here 15 minutes ago. I wasn't involved in this conversation.

**Mr Waters:** On the opposition side then, we get this.

The gentleman in question, let's face it, is Mr Wilson. He is an extremely busy person. We tried to get him in January.

**Mr Curling:** Too busy to interview for a job.

**Mr Waters:** Alvin, I never interrupted you; I don't expect you to interrupt me. Now, if you want to keep up being partisan, we'll just forget it and we'll do a vote and be done with it.

**Mr Curling:** Let's do a vote then.

**The Chair:** No. I think we're adults. We can complete this debate as it started, which was fine.

**Mr Waters:** In all fairness, this is not something that has happened very often. I've been here since the beginning and I can only recall maybe once or twice in the last five years that this has happened. Indeed, when there is an agency, board or commission that needs its people, you can't shut down something in the province just because we don't want to meet. And this is in the intersession. When the House is sitting, we meet weekly and it's much easier. I don't think we've ever had that problem when the House is sitting, because of the weeks. But in this case we dictated that we only are sitting these two days, and very early on we spelled them out. Unfortunately, Mr Wilson has not been available those days.

I really don't understand what all of this is about, on the other side. If you want to play partisan politics, fine, but we have done something—if you want to be partisan about it, at least the people of the province know what agencies, boards and commissions are out there and how they can get on them. That's something that neither of the other two parties have ever allowed in this province. It's a definite move ahead in the right direction.



**Mr Sterling:** I guess we were more honest than that.

**The Chair:** I'm going to make a suggestion and you can tell me if you agree with it or not. This letter has been brought to the committee for information. All three caucuses now have comments on the record. I'm at the direction of the committee. If you want to go another round, I'll take that direction, but if not, the fact that all three caucuses have spoken about the letter is perhaps sufficient.

We have one other matter to deal with before we adjourn. What is the wish of the committee?

**Mr Callahan:** You know what the wish will be, Madam Chair. They've got the votes; they'll vote against it. With all due respect, that's the ultimate in cutting off democracy.

**Mr Curling:** Call the vote.

**Mr Callahan:** These people have got the nerve, the gall, to say that this committee is a great, democratic thing. I want to explain: I've observed that we have had different members in the morning, different members in the afternoon, and yet the government members of the New Democratic Party all voted in favour of every applicant who came before us. Now, that is absolutely amazing when they didn't hear half of them. That in itself, on the record, is a sham. This entire committee is a sham.

If you are going to vote on a particular person in any tribunal or any forum, you have to be here for the entire hearing. You people have had different members over there. It's like musical chairs. All I've got to say is that Mr Waters says—

**The Chair:** Excuse me. Mr White has a point of order.

**Mr White:** The gentleman's tirade unfortunately has nothing to do with the point in question, which was the reception of this letter.

**The Chair:** You don't have a point of order, Mr White. Continue, Mr Callahan.

**Mr Callahan:** Mr Waters pointed out that this has only happened once in five years. I'd like to ask the clerk if that's correct. If it's not, a member who has been a long-standing member of this committee should not try to whitewash the bloody thing by saying it's only happened once in five years. I'd like to ask the clerk. How many times in five years has this happened?

**Clerk of the Committee:** This is the second time.

**Mr Callahan:** All right, second time. So you're wrong, it wasn't once.

**Mr Waters:** No, once before now.

**Mr Callahan:** All right. Finally, if Mr Wilson is such a busy man that he can't attend to at least go through the charade of democracy, perhaps he's too busy to have this appointment and maybe he shouldn't be appointed to the board. Do you ever think about that? I find it absolutely undemocratic, totally dictatorial, for the Premier of this province and his appointments secretary to simply say, "Sorry, you couldn't accommodate Mr Wilson or this other person, so therefore they are now automatically on the board." I'll tell you, as a taxpayer of this province I

would be screaming like hell. Not only that, but if the public ever gets wise to the fact that this committee sits and does absolutely zippo—they're paid by the taxpayers to sit, and it's just a sham, a total sham.

I love it. The press are not here, the press couldn't care less about this, yet they're jumping all over the federal Liberals in Ottawa for making appointments. They don't try to set up some sort of cockamamy committee like this that goes through the motions of approving. They have the guts to do it and take their lumps in the press. But not the NDP, not the Premier of this province, not Bobby Rae, our Premier—you know, lily white. He sets up a committee and says this committee will do it. If the taxpayers knew that for the two days we're sitting here we're being paid to simply rubber-stamp something that's already occurred—

Finally, if the proof is not there, one of the members—I can't remember the person who came before us—said he had met with the deputy minister this morning. If he's just coming here wondering whether he's going to get the job, why is he meeting with the deputy minister? It's a fix; they're in. I think the press, if they had any guts at all, would explain that to the public, just as they're doing in Ottawa with the federal Liberals. Why don't they play up the fact that the NDP has set up this ghost-like committee that supposedly hears from the public and recommends people? That's a crock. The press, if they had any guts, would come clean with the public.

**Mr White:** They'd jump right on them.

**Mr Callahan:** You're darn right. They'd also bring out the fact that this letter partially is caused by the Premier of this province proroguing the Legislature and not calling us back, so you can't sit as a committee. He cancelled all the committees with the exception of finance and government agencies. The people of this province are not getting their money's worth, while the Premier and all his cabinet ministers rush around this province throwing money all over like it's largess. I suppose once they run out of cheques they'll call an election. I find the whole thing just absolutely incredible.

**Mr Curling:** I want to comment on the statement Mr Waters made before us here. This committee, the members here, I'm sure are ready to meet more often than we have been meeting, because we know we have a number of appointments. However, as you said, Mr Wilson is too busy—he's a busy man—to even come for an interview for the job that he is to take on.

Tell me, if you were running a business, Madam Chair, if Mr Waters was running a business, and someone came forward for a job but you realized he hadn't come for the interview, I wonder if you would have given him the job.

He knows already, as my colleague said, that the fix is in. We're just a farce. We just come here and go through the motions, and then, "I'm sorry, guys, your time has run out." We say we've got lots of time. The House hasn't sat for all this time and we've got lots of time. The House isn't coming back for another month, so we can schedule another day. But no, the executive council and those who make the decisions are saying: "I am sorry, this committee will not meet. We have already agreed upon that."



We tried on two occasions to get Mr Wilson in here, on two occasions, and he said he was busy. However, we have a couple of days. He could have come today. He's busy today. He could have come tomorrow. But no, he hasn't come. To say to us that you can't understand what's going on, that really stated the fact very clearly: You don't understand what's going on at all. You have no democratic process in this situation; we just come every day and vote and go through the exercise. They even object sometimes to the fact that we ask the people questions.

If it's a matter of information, I'll ask the clerk, is there any way of appeal—I don't know the process—to say back to them that it is important? We have the time, I'm sure, we all have the time to come back to meet the hundreds of people they are trying to put through the process. But what they will say—again they will continue to approve those members who are coming for appointments.

1610

Can I then ask another question of the clerk? If there are other people who should take up positions by appointment before the House resumes, do they automatically get it because we don't sit again?

**Clerk of the Committee:** It's my understanding that we follow the same procedures that we have, and when the 30 days expire—or, in the case of any of those for this month, we had the 30-day plus the 14-day extension. All I can suggest is that the committee put the request forward to the secretariat. There isn't any other process in the standing orders.

**Mr Curling:** The question I was asking, though, is that there are members who are appointed to boards now who are supposed to come before us, and we won't make any more selections to come before the government agencies committee.

**The Chair:** Yes, we will be making selections tomorrow for March. We are making more selections.

**Mr Curling:** When we make those selections, if the time comes for them to take up their appointment and we are not meeting, do they automatically, like Mr Wilson here, get appointed?

**Mr Callahan:** You got it.

**Clerk of the Committee:** As I said, at the next meeting—

**Mr Curling:** Tomorrow.

**Clerk of the Committee:** No. If there's a selection tomorrow and I contact those people for the March meeting, the process would be the same as it has been in the past. The individual member of the subcommittee who has made that selection will have the option to put the request forward to the secretariat. The 30 days will have expired.

**The Chair:** As a matter of fact, the other items of business this afternoon are two selections of the PC Party and one selection of the government party, which we did select at our last meeting, that we are not able to schedule. So that's an example we're going to be dealing with in a moment.

**Mr Hope:** After listening to the comments, I'd ask that the question now be put.

**The Chair:** There isn't a question on the floor. What we're dealing with is the receiving of this letter.

**Mr Hope:** Then that's what I'm moving, to receive and vote on it. That's what you told me, correct? You said the motion to receive this letter.

**The Chair:** No, there wasn't a motion on the floor. It was simply that I was reporting this letter back to the committee as an explanation of why we didn't schedule Mr Wilson and Mr Engelmann.

**Mr Hope:** Okay. Then now I ask to adjourn the debate.

**The Chair:** On that matter?

**Mr Hope:** Yes.

**The Chair:** Is that a formal motion you're making?

**Mr Hope:** Yes.

**Mr Callahan:** We can speak to that motion. It's debatable; it's not non-debatable.

**The Chair:** In fairness, Mr Hope, the clerk is advising me that in fact we're not in the middle of a debate per se on a motion so you can't move a motion to adjourn the debate. Possibly you could move that we move to the next matter of business.

**Mr Hope:** Madam Chair, that's what I'm trying to get clear. We've been debating, and I thought we were debating a motion, and that's why I moved it. But I'll make a motion that we move to the next item on the agenda.

**The Chair:** All in favour of that motion? If you wish to speak to the motion that we move to the next item of business on the—

**Mr Callahan:** Just one comment, and then you can move to the next item: This is the only process I've ever heard of where if you want a job, you can get it by staying away. That's outrageous. Interviews usually are conducted by employers and you've got to go to the interview to get the job. Here, it's better if you stay away: You don't get questioned at all by this committee and you still get the job. I find that passing strange.

**The Chair:** All in favour of that motion?

**Mr Curling:** Is there no further debate?

**The Chair:** Yes, if you wish to have further debate. I didn't have any other names down.

Not seeing any other names, I'm going to take the vote on the motion. All in favour of that motion? Opposed, if any? The motion carries.

The next business, the final piece of business for today, is that we do have two selections made by the PCs: Mary Anne McKellar, an appointment to the Employment Equity Tribunal, and Mary-Woo Sims, an appointment to the Pay Equity Hearings Tribunal. Mary-Woo Sims will be in China from January 27 to February 26; she will be available for the March review dates. Ms McKellar is in attendance at the Pay Equity Hearings Tribunal in Ottawa from February 14 to 16, obviously through the period of this week that we're conducting hearings in now. Mr McLean, these were your two



selections. Would you like to keep them until March? The request would have to go forward to the secretariat.

**Mr McLean:** That's right.

**The Chair:** You would like us to request of the secretariat that they be held for interviews in March?

**Mr McLean:** That's right.

**The Chair:** All right. The government selection was Mr Donald Hillock to the Gaming Control Commission. We have been unable to contact him at all.

**Mr Callahan:** So he just automatically gets confirmed under this new rule, this dictatorial edict from the Premier's office?

**The Chair:** The question we're dealing with is that Mr Hillock could not be reached for scheduling purposes. It is our understanding that he is out of the country.

**Mr Waters:** He's not available. Representing the government side on this, because he is our selection, I not only waive him coming but waive the 14 days as well.

**Mr Callahan:** I've got to ask the question—

**The Chair:** Excuse me, let me finish with Mr Waters. Mr Waters, you're declining the request of the government party to have him come before the committee?

**Mr Waters:** Yes.

**The Chair:** All right. Mr Callahan, did you wish to make a comment on that?

**Mr Callahan:** It would seem to me that if any of the parties, the government, the opposition or the third party, asks through the subcommittee and it's ratified by this committee that a person be requested to come here so they can be interviewed, that's a decision not of Mr Waters but a decision of the committee.

The clerk is saying no, but I understand from this letter that it's your caucus, the NDP caucus, that decides who it will bring forward.

**The Chair:** Excuse me, let's correct how we operate. The selections of which intended appointments come before the committee are equally distributed between the three caucuses. After the three caucuses have made their selection, and it's on an equal basis in terms of numbers, the requests go through to schedule those individuals. We have operated under the process that if an individual is not available for some reason, we go back to that caucus of the committee and ask them if they would like to relinquish their request or whether they'd like to request extended time from the secretariat in order that that person can still be scheduled.

**Mr Callahan:** In other words, because it's their

selection, we can't ask that there be an extension of time.

**The Chair:** No, because you never asked to hear them in the first place.

**Mr Callahan:** But what concerns me, and I'm going to put it on the record, is the fact that if a person can't be reached to come before this committee, that would be my first inclination to think that the person really is either not interested in the job or not qualified for the job, and I think that's the most dangerous type of person to allow off the hook and allow them to go through this automatic appointment routine.

**The Chair:** In fairness, regardless of who that appointment is, perhaps it would be unfair to assume an individual's status without knowing what their status is.

**Mr Callahan:** I quite agree with you.

**The Chair:** I don't think the committee is in a position to make a decision about that individual's status for not being here, without talking to him personally.

**Mr Callahan:** I quite agree with you, Madam Chair.

**The Chair:** I think the business has been completed now.

**Mr Hope:** Madam Chair, earlier today you made a comment about two substitutes being in this committee and the committee being unusual—I am one of those substitutes—which I take offence to. I've been a very quiet individual during this process, and we would have been out of here probably about 35 minutes ago if it wasn't for one of the other substitutes.

I would respectfully ask the Chair for an apology. Through the committee process of interviewing, yes, it was a little raucous, and yes, I was a part of that, but we did finish 10 minutes early this morning and we would have finished about 35 minutes ago if it hadn't been for the other substitute. I would just like my record and my name cleared that I was not one of the people who held up this process.

**Mr Callahan:** You can put mine on the record as the one who kept you here 35 minutes to earn your pay.

**The Chair:** If I offended you by suggesting that the tone of the committee was somewhat different today because the committee makeup was different today, I apologize. I did notice some smiles and chuckles from the regular members, however, who probably agreed with me at the time. Anyway, I think that's fine.

We will adjourn until tomorrow morning. Thank you for your attendance today.

*The committee adjourned at 1621.*



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## STANDING COMMITTEE ON GOVERNMENT AGENCIES

- \***Chair / Président:** Marland, Margaret (Mississauga South/-Sud PC)
- \***Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
  - Carter, Jenny (Peterborough ND)
- \*Cleary, John C. (Cornwall L)
  - Crozier, Bruce (Essex South/-Sud L)
- \*Curling, Alvin (Scarborough North/-Nord L)
  - Frankford, Robert (Scarborough East/-Est ND)
  - Gigantes, Evelyn, (Ottawa Centre ND)
- \*Harrington, Margaret H. (Niagara Falls ND)
- \*Malkowski, Gary (York East/-Est ND)
- \*Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
  - Witmer, Elizabeth (Waterloo North/-Nord PC)

*\*In attendance / présents*

### **Substitutions present / Membres remplaçants présents:**

Callahan, Robert V. (Brampton South/-Sud L) for Mr Crozier  
Fletcher, Derek (Guelph ND) for Mr Malkowski  
Hope, Randy R. (Chatham-Kent ND) for Ms Gigantes  
Rizzo, Tony (Oakwood ND) for Ms Carter  
Sterling, Norman W. (Carleton PC) for Mrs Witmer  
White, Drummond (Durham Centre ND) for Mr Frankford

**Clerk / Greffière:** Mellor, Lynn

**Staff / Personnel:** Yeager, Lewis, research officer, Legislative Research Service



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# Official Report of Debates (Hansard)

Thursday 16 February 1995

# Journal des débats (Hansard)

Jeudi 16 février 1995

Standing committee on  
government agencies

Intended appointments

Subcommittee report

Ontario Human Rights Commission

Comité permanent des  
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Rapport de sous-comité

Commission ontarienne des droits  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Thursday 16 February 1995

Jeudi 16 février 1995

*The committee met at 1002 in committee room 1.*

## INTENDED APPOINTMENTS

LOUIS LENKINSKI

Review of intended appointment, selected by third party: Louis Lenkinski, intended appointee as vice-chair, Ontario Human Rights Commission.

**The Chair (Mrs Margaret Marland):** Good morning. The first intended appointment which we are going to review this morning is Mr Louis Lenkinski. Welcome to the committee, Mr Lenkinski.

**Mr Allan K. McLean (Simcoe East):** Good morning, sir. Welcome. Did you apply for this position or did somebody let you know it was available? Why did you make application? Have you been on the board before?

**Mr Louis Lenkinski:** I have been a member of the Human Rights Commission for a number of years, since 1987. I had been appointed by the previous government and I have been reappointed since. I didn't apply for the position; it was offered to me. I accepted to apply for it and here I am.

**Mr McLean:** I'm glad to know that you've been on it.

Can you tell you us, is the backlog of complaints coming down or is it going up?

**Mr Lenkinski:** First of all, we tend to call it "caseload" rather than "backlog"—it sounds better—but it's coming down. We have put in place some operational methods, mechanisms, that are helping us quite a bit in overcoming what has to be, as the chief commissioner calls it, a pathological problem that has faced the commission for some time.

**Mr McLean:** Are you familiar with the Cornish report, and do you agree with the recommendations that were made in it?

**Mr Lenkinski:** Yes, I do with some of them, but I don't think this is up to me or the commission. This is really a matter for the government to submit these recommendations. Some of the non-legislative recommendations have been implemented already, those that didn't require any kind of review or legislative action, and this is part of our operational mode in which we are operating at the moment.

**Mrs Margaret Marland (Mississauga South):** Mr Lenkinski, I know you're aware of the fact that the Ontario Human Rights Commission has been reviewed, I think at least three times, by this committee and perhaps one other standing committee of the Legislature. As part of that review, every time, the concern that's brought

forward by the commission as well as people from outside of the commission is the tremendous backlog. I am wondering what your opinion is, since you've been on the commission for—how long did you say?

**Mr Lenkinski:** Since 1987.

**Mrs Marland:** That's eight years then. Then you've experienced perhaps three different chief commissioners.

**Mr Lenkinski:** No, more. And five executive directors.

**Mrs Marland:** The fact that there would have been five executive directors and, whatever the number is, four or five chief commissioners—each one is appointed and each one is given this huge task of backlog. I'm wondering how you feel about the protection of human rights in this province when it can take as long as it has for one of my constituents, seven years, for the case to be dealt with. Do you think that to take seven years is an infringement on our human rights?

**Mr Lenkinski:** Yes, it is, and we are doing our best to eliminate that kind of hindrance in our work. But there are two problems that we are facing constantly. We have open access to the procedures and processes of the Human Rights Commission and we do not have sufficient resources to cope with the caseload at any time. We have always been under-resourced, and that goes back for years.

It seems to me that the main important emphasis must be placed on the intake process and to see that some of those complaints and complainants who come before us have to use what's called, during wartime by medical staff in the field, triage; that is, complaints that have merit should be handled, resources put, and some that have less merit should be put into a different category. Then we have complaints that can be dealt with efficiently and in a much speedier manner by other pieces of legislation and other instruments that are provided for in order to give satisfaction or redress whatever problems complainants may face.

**Mrs Marland:** I'm wondering why that isn't being done now. The other question I have for you, which is a very serious question, as you have been on the commission as long as you have, is that I discovered through advocating on behalf of my constituent that your investigators have never been trained in learning disabilities. In the case of my constituent, who is dyslexic, his case was investigated by someone who didn't know anything about learning disabilities at all, let alone dyslexia. His case, which has taken seven years before the commission, has been decided without the benefit of being investigated by

somebody who knew what his problem was in the first place.

I've learned that, as a result of his case, we are now training the investigators in learning disabilities, but there has not been a reconsideration of his case or 20 others with learning disabilities that exist on the files. I would like to ask you how you feel about the rights of those 20 individuals whose cases have been dealt with without special training by the investigators.

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**Mr Lenkinski:** I feel terrible about that, but there's very little we can do about it, other than train officers sufficiently, particularly those who are investigating these complaints, so that they develop a specific expertise and know how to deal with them.

Let me go back a bit, because when I came first on the commission, while the provisions safeguarding the handicapped or eliminating discrimination of people with handicaps, all handicaps, were enacted, they weren't proclaimed for a number of years. It was through efforts on my part and other commissioners that we finally told the then government, the minister: "Proclaim these amendments. Put them to work. Don't wait until you cross every t and dot every i by regulations. Provide us with the means of using precedent cases to establish some parameters where we can go and really find redress for people who are crying out for assistance in that field."

The process is not finished. We still have problems with it, the determination of whether a handicap is something that can be dealt with, how it can be dealt with, and also what would be the proper redress for it, short of what the language says, "undue hardship on the part of the respondent." I'm suggesting that's not an easy process, not an easy way of dealing with it, but we are doing the best we can to train our people, using experts so that they develop an expertise to deal with them. All of these, you must realize, are new—not that the problems are new but that the way to deal with them has been new. I think it takes some time until we develop proper parameters, expertise, and even chairs of boards of inquiry have difficulties with that.

**Mrs Marland:** Mr Lenkinski, with respect, I want to say that I've been in politics 21 years. I have never had anything upset me as much as the fact that individuals with learning disabilities who have been discriminated against by their employer have lost their human rights—lost them—because the Ontario Human Rights Commission did not deal with their case knowledgeably. I appreciate the fact that you said you feel sorry and you feel badly for them, but my concern is that they only have one go-round to have their human rights established in this province. Once they've been discriminated against and the Human Rights Commission has not investigated their case fairly, with knowledge, would you think it would be fair to reinvestigate their case with trained, knowledgeable investigators?

**Mr Lenkinski:** As I say, I feel badly about that. I can tell you that we are doing everything we humanly possibly can in order to eliminate these kinds of anomalies, and we recognize that these are anomalies. I know that the problem is acute, I know that we can sit here and

discuss these things in a kind of a philosophical, academic way, but we cannot forget that the individual who suffers needs some redress for his suffering. I have full sympathy with them. I'm not going to inquire about the details of the case—

**Mrs Marland:** And I'm not giving them.

**Mr Lenkinski:** —because I may be in a position, some time in the future, to be called upon to make a decision and I don't want to declare a conflict, because I am interested in finding a way of really dealing with these things and also a proper redress to be found by the commission.

**Mrs Marland:** Do you think cases that have not been investigated by people qualified in the area of disability should be reinvestigated by the commission?

**Mr Lenkinski:** You see, the courts dealt with a very specific case, the Lily Cups case, where a complainant complained he was being discriminated against, claiming that he had been handicapped and all really he suffered from was influenza or a cold. The courts have told us that we have no real definition of what a handicap is.

**Mrs Marland:** I'm talking about a learning disability, not a cold.

**Mr Lenkinski:** I know, but it's part of the handicap treatment as well.

**Mr Randy R. Hope (Chatham-Kent):** Thank you very much for coming this morning. I was going to ask what would make you a competent commissioner, and looking at your years of experience already serving on the commission, I guess I'll leave that one alone.

I notice that in 1988 there were about 60,000 inquiries, and it's now up to 111,000 inquiries being brought forward before the Human Rights. I also notice that, in the same breath, the caseload has dropped. Cases in process were 2,228 in 1988-89, and now it's down to 2,069 in process. Why are there being so many public inquiries now of Human Rights? Are there more people being educated on human rights issues, they're not afraid to speak up?

**Mr Lenkinski:** The way I explain these things is that once a case has been successfully concluded and a press release goes to the media and publicity around that case is really higher than usual, people get encouraged and either they inquire or place us into a formal complaint situation. That's understandable. If the commission hadn't been as successful in some of these cases and the success not publicized the way it is, obviously people would not know about that and would not look for that avenue. Hence, you have the increased number of inquiries.

**Mr Hope:** Dealing with the issue of finance, I was looking at the expenditures of the commission. I'm just curious about your opinion, because you talked about finances. What would a 20% reduction in the budget of the commission do?

**Mr Lenkinski:** Increase our workload. About 80% of the expenses we have deal with staff time and salaries, and I'm suggesting that a 20% deduction of resources would necessitate a 20% reduction of resources to deal with an increased load that we have to face.

**Mr Hope:** Currently there has been a process in



place, and I'm wondering if you are familiar with the process, to try to manage the amount of cases still to be dealt with. I was trying to find the page; I went and lost it. Are you familiar with the government's intent to try to reduce the caseload, how they're trying to expedite cases, move them through the process?

**Mr Lenkinski:** I'm familiar to some degree. I'm not called upon, administering the commission. We are at a different level of decision-making there. But I'm familiar with it because I take a keen interest in it. I consider the commission to be a very important instrument to find some equality in society, and because of that, all of these things concern me.

A reduction means less not only in the amount of money we get or a reduction of the deficit the government has to face, but it also means a reduction in the means of us providing equality and fulfilling what is the preamble to the Human Rights Code that I always cite when I'm speaking in public, that this is a document that tells society what is and what is not behaviour that is going to be tolerated, compatible with the aims of society in Ontario. Because of that, I'm concerned with resources as well.

Let me add a personal note. I came to Canada after spending some years in a German concentration camp and a ghetto, and then after that I was under the Communist domination of Poland. I don't think that the lessons I gained there about the dignity of man should be wasted. In my opinion, the commission has that kind of importance, to make certain that the values of our democratic society are preserved and that people have equal access to almost everything.

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Going back for a moment to handicaps, that's an expertise that at the beginning of human rights work in Ontario was non-existent; I mean, in the sense that we didn't recognize that. We're still in a learning process with that. More and more people are coming to us with complaints related to discrimination on the basis of handicap. One of the most novel of them is the question of learning disabilities and it is something that we have to work together with the education system to somehow ameliorate whatever difficulties are there. But that's a different problem altogether. We have to do these things.

**Mr Rosario Marchese (Fort York):** Mr Lenkinski, just a few questions: One relates to the whole issue of training. I recall that Ms Brown came here in front of this committee and talked about training and I think she said that they had spent approximately 70 days of training. In your view, was that training good, bad, inadequate, still need to go on? What have you gleaned from those experiences?

**Mr Lenkinski:** We are now undergoing a phase at the commission for staff together with commissioners—"together" meaning that we too participate in the training process—in the area of race relations and the area of how to fight racism. This is a process that we now initiate. You cannot say whether it's good and bad. It's a constant, continuing process. If we find that we are facing a new development, then we ought to be able to come to terms with it and provide us with the tools to fight it if

we find that that kind of event is detrimental to, as I say, the issues that the code has been designed to fight.

**Mr Marchese:** My opinion is that training can be good or bad and that some training is not very good, and unless we look at the culture of the workplace in terms of what we need to change, then the individual training on an individual issue won't go very far. Because if the problem is institutional and cultural, then—

**Mr Lenkinski:** We call it systemic.

**Mr Marchese:** Well, I was going to get to that as a separate question—then we have a problem within the workplace itself—in the Human Rights Commission I speak of, not in other places—in terms of how we approach issues and people. So this is why I say that the training can be good or bad.

**Mr Lenkinski:** Yes. Well, you know, it's pretty difficult to assess training from the perspective of good or bad. It's not a system that you put a grade on somebody when somebody is being trained for that kind of work. But I'd say that in the majority of cases the staff seeks and gets the expertise they need in order to do that, and that's the best you can hope for.

**Mr Marchese:** I understand that. My only point is that when people recognize that they have to change, then the training has been good. If we don't recognize at times that something is wrong in terms of the way we approach things, then we have a problem and training is simply not very good.

However, moving on to another question about the way the system has been dealing with what Cornish recommends, one of the specific recommendations she makes is that we should move away from individual complaints systems to looking at how workplaces have systemic problems that need to be addressed. The Human Rights Commission doesn't address systemic problems; it addresses individual problems. Do you have a view on that in terms of how we deal with it?

**Mr Lenkinski:** I don't believe that you can eliminate successfully a complaint-triggered mechanism to get to where you want to be in removing systemic problems that are facing society. You have got to know whether a problem exists and you can't do that in the isolation of an office or a boardroom. You have to know how the thing plays outside and also how people react to all of them. You cannot do anything else except to look at the caseload, discern from it what really seems to be the reason for people not getting what they consider to be a fair treatment by the institution, and then try to remove it.

But you can't do that without having at least proper access to individuals who are suffering—learning disability: As the previous questioner has asked me as well on that, how do you remove it if you don't have individual complaints? You cannot just sit and, to use a very colloquial phrase, pontificate. You've got to base it on facts, and the facts can only be supplied by people who have complaints.

**Mr Marchese:** What has been one of the major challenges you have faced in the last seven years at the Human Rights Commission?



**Mr Lenkinski:** An increase in two areas: one of them in the caseload related to handicap discrimination, discrimination of all kinds of handicaps, and the second is the question of sex discrimination and sexual harassment. I cannot overlook the fact that dissemination of hate propaganda is producing also a very sour field in race relations and all the other stuff, but that's a different thing altogether. Looking at the caseload, I have seen over the period that I was with the commission a tremendous increase in cases related to discrimination on the basis of handicap and, as I've said, on the basis of gender and harassment.

**Mr Marchese:** Thank you very much. Good luck.

**Mr Alvin Curling (Scarborough North):** Thank you for coming before the committee. You said you know of this job because you are a commissioner already. How did you get to know about this job?

**Mr Lenkinski:** I was a member of the Ontario Labour Relations Board. In my previous incarnation I was a union official. I received a call and I was asked if I would like to switch, to go from the Ontario Labour Relations Board to the Human Rights Commission, by the appointment secretary of the previous Premier.

**Mr Curling:** That's 1987, yes. I'm talking about this position now.

**Mr Lenkinski:** This position now? I didn't ask for it. I didn't apply for it. I was told by Rosemary Brown, our chief commissioner, that she would like me to be the vice-chair and to help her whenever that is needed. So I suggested that yes, I would accept it.

**Mr Curling:** You were in the right place at the right time and knew the right people.

**Mr Lenkinski:** I'm not sure that's the right time. Don't forget, I am retired. I should now enjoy the fruits of my labour, but I could not refuse a challenge such as this, particularly when I hold the instrument of the Human Rights Commission in our province and its role in Canada to be paramount.

**Mr Curling:** Yes. Tell me, then, when you were asked, and flattered by the fact that you were there and Ms Brown wanted you, your résumé is about 1984 old. Why didn't you update your résumé to reflect your present achievements?

**Mr Lenkinski:** What's the sense of bragging about me?

**Mr Curling:** Not bragging, just what you have done.

**Mr Lenkinski:** I think my work at the commission level as a commissioner probably persuaded people who were working with me—

**Mr Curling:** But I don't know, as an interviewer, a thing about you.

*Interjections.*

**Mr Lenkinski:** You have an opportunity to question me.

**Mr Curling:** I'll ask you, Mr Drummond White, when you should come before. You're not before us now.

Anyone applying for a job, I would have liked to have known their credentials and their achievement and, I'm sorry, but I don't know anything about you.

**Mr Derek Fletcher (Guelph):** You do so.

**Mr Curling:** Would you just shut up a bit so I can ask the gentleman—

*Interjection.*

**The Chair:** Excuse me. Please let's not have interjections. Mr Curling has the floor.

**Mr Curling:** It's just that as you spoke, I realized you have so much experience. I'd be way ahead asking you some other questions. But I just wondered why your résumé was 1984 and no mention of the human rights experience that you had. What do you feel, since you're there so long, of the poor morale in the Human Rights Commission among staff?

**Mr Lenkinski:** I know about the low morale. I know that steps are being taken to improve it. I was told even today that this commission has been subject to at least three reviews by legislative bodies. You don't review a commission on three occasions without really having some problems with it, problems that are well known and outside. I'm suggesting that this is the problem and we know what the problem is and we try to remedy and we try to remove whatever bad stuff there has been. That's the best I can tell you.

**Mr Curling:** Fine. Do you feel that the failure of the enforcement sector of the Human Rights Commission breeds things like employment equity bureaucracy?

**Mr Lenkinski:** You'll have to explain that. I can't grasp that. You'll have to explain what you mean by that.

**Mr Curling:** What I mean to say, employment equity is one not getting fair treatment in the workplace because they're being discriminated against. It's a fact that people, especially the designated groups that have been identified as being discriminated against in the workplace, are being discriminated against before they even get into the workplace. In other words, some of their human rights have been violated.

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If some of these things are being enforced properly and people are punished when this discrimination comes about, maybe we would not breed another bureaucracy with lots of the people there to see that employment equity is being enforced.

May I ask the question this way: Do you believe that employment equity, the sector—because you do have an employment equity section in human rights—do you feel that the resources could be expanded there instead of creating a new bureaucracy?

**Mr Lenkinski:** I am not going to venture an opinion. This is a matter of government policy rather than the policy of the commissioner. I'm suggesting that we have discovered that the workforce does not reflect the demographics of our society—

**Mr Curling:** We know that.

**Mr Lenkinski:** —in a number of instances, and I think something needs to be done in order to remedy that problem too. Who is to do it is subject to the government's decision. That's a political decision and I can't venture into it. My personal view is that if there are overlaps, then these overlaps should be removed.



Some of the commissions that have been established, like the Cornish commission and others, have suggested some steps. One of them was that it should be an equality tribunal, which means that the final determination of complaints in a kind of administrative-judicial way has to be joined. In other words, all these issues have to be determined by people who are experts in areas of equality. That is something I consider to be important. There may be others. I think this is a matter of policy, it's a matter of government policy, and the government has to deal with that.

**Mr Curling:** Okay then, Mr Lenkinski. Are you telling me then that it is a government policy that works contrary to having an effective human rights policy being in place, or fairness? If you recognized something that is not fair or is not being effective, would you report this or make it known to the government or the commissioner that this system or this structure was not working?

**Mr Lenkinski:** Not as an individual commissioner, but we have constantly instructed the chief commissioner, when she talks to the minister, to draw the attention of the minister to it. There's a constant cooperation between the ministry and the commission. It's reflected in a memorandum of agreement in which the specific roles of all the elements are outlined. That document has been signed. I don't know if you've seen it but it's there. It determines what is really the role of the minister, the deputy minister, the chief commissioner, the executive director. Among all of them there is a constant consultation going on.

**Mr Curling:** In your eight years at the commission, how do you feel the Human Rights Commission has treated the disabled community? Is it because of the lack of resources that they have not been able to be treated in a very effective way? One of the highest complaints that we have is that the people in the disabled community have not been treated fairly, are not getting their cases going through. I'm not even talking about the horrendous backlog that continues to exist in the Human Rights Commission, but I want to ask you, with your eight years of experience, do you feel that more must—not "could" be done—must be done to address the disabled community and their concerns?

**Mr Lenkinski:** We do our best to persuade—

**Mr Curling:** I know you do your best. Do you think that the government could do more?

**Mr Lenkinski:** Oh yes, but we can do more only if resources are being provided to us.

**Mr Curling:** So there's a lack of resources there then.

**Mr Lenkinski:** I don't know if this is a lack only of monetary resources. It's a question of expertise too and it's also a question of how far society is prepared to go with us when we have an issue before us and we want to eliminate that kind of thing in order to satisfy complainants.

It's a question of access to workplaces for example, and I mean physical access; that is, ramps or wheelchairs, proper access to elevators for people who have to climb some stairs, all of that stuff. It wasn't easy for us to accomplish. We are doing it not always with the full

cooperation of the people who are on the other side of the issue, the respondents, but we are doing our best in order to find redress for it, and I'm not satisfied.

You see, our job is probably constantly increasing. The more people now find some loopholes in procedures, the more they use them. For example, we were never really charged with legal costs assumed by respondents. Now there are cases that we have to pay around \$40,000 to \$100,000 in the case of some legal bills that respondents have assumed to defend themselves. Lawyers too are becoming more sophisticated and they are using whatever they can in order to satisfy their own clients. That's understandable. We don't know whether we do a good job other than the popularity of it and the number of complaints that any case we resolve is encouraging and bringing to our table.

**Mr Curling:** Isn't one of the things that the cost of the Human Rights Commission has been driven up because in many of those settlements they are settling many of these cases because of costs, having people taking some payoff—I don't want to call it a payoff—an early settlement without dealing with the real core of the violation of human rights? Aren't those things evident in human rights now? Are you concerned about that as they exist?

**Mr Lenkinski:** Yes, I am. I am concerned about all of the phases and facets of enforcement and of finding ways to remove all of the discriminatory practices that exist.

**Mr Robert V. Callahan (Brampton South):** Could I get a point of clarification from the ministry people?

**The Chair:** Mr Yeager is our researcher.

**Mr Callahan:** Sorry, I didn't mean to offend you by calling you ministry staff, Mr Yeager. The question I want to ask is going to be helpful in terms of how I vote on this particular issue. That's why I need the information.

**Mr Curling:** It won't make a difference how you vote.

**Mr Callahan:** As I understand it, this gentleman is from Toronto. Rosemary Brown is originally from Vancouver. I understand she flies back and forth, but my friend tells me she now lives in Toronto.

**The Chair:** She lives in Vancouver.

**Mr Callahan:** She lives in Vancouver, so she flies back and forth.

If we look at page 9 of the research that was done for us—

**Mr Marchese:** Madam Chair—

**Mr Callahan:** Just a second.

**Mr Marchese:** Is this a question to the person who is before us?

**Mr Callahan:** This is a question to our researcher of some importance.

**The Chair:** It's a point of clarification to the researcher. The questioning is based on the work of the researcher also.

**Mr Callahan:** Right. At the bottom of page 9, it says:

"Under part III of the code the Human Rights Commission is composed of at least seven persons appointed by...(the cabinet)." The cabinet "designates one person as chair and one as vice-chair. The commissioners are chosen to reflect the geographic...diversity of Ontario." If I'm going to vote on this, I'd like to know how, if both of them are from Toronto, they reflect the geographic diversity of Ontario—

**Mr Marchese:** What has that to do with research?

**The Chair:** Mr Marchese—

**Mr Marchese:** They had 10 minutes to ask questions—

**The Chair:** Excuse me, Mr Marchese—

**Mr Marchese:** Madam Chair, listen to the point. They had 10 minutes to ask questions. Their questions are over and now he's asking a totally separate point having nothing to do with research necessarily except that he wants to make a point.

**Mr Callahan:** No, no, I'm not trying to make a point.

**The Chair:** Excuse me. They are not going to have any more time to ask questions, Mr Marchese. Mr Callahan does have a right to ask the researcher a question about the research.

**Mr Marchese:** He can't answer that question.

**The Chair:** Mr Yeager may be able to find an answer to that question by the time we vote, which will be at the end of this afternoon. I would simply request that, if it's possible for Mr Yeager to have that answer by the end of the day for the committee, he provide the committee with that information.

**Mr Marchese:** Can I hear his question again?

**Mr Callahan:** I'm trying to finish. May I finish?

**The Chair:** Excuse me. I will repeat the question so there won't be any argument about how much longer Mr Callahan speaks.

**Mr Marchese:** That's a good point.

**The Chair:** Mr Callahan is asking for the geographical makeup of the current commission members. It's a fair question, and I think Mr Yeager won't have too much difficulty if he calls the commission at lunchtime to find that out.

Thank you, Mr Curling. That's the end of the questions for you, Mr Lenkinski, and thank you for your appearance before the committee this morning.

**Mr Lenkinski:** Thank you very much for the opportunity to present my view.

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#### MYRON HUMENIUK

Review of intended appointment, selected by government party: Myron Humeniuk, intended appointment as member, Environmental Assessment Board.

**The Chair:** Our next intended appointment this morning is Mr Myron Humeniuk. Would you like to come forward, Mr Humeniuk, and make yourself comfortable.

**Mr Drummond White (Durham Centre):** Thank you very much for showing up, Mr Humeniuk. I note from your résumé, which is in fact a very impressive one, that

you obviously have a great deal of experience not only in this area but across Ontario and around the world. I notice that your earliest experience and training was in fisheries and wildlife habitat management. I want to ask you a question in regard to environmental assessment: What kinds of precautions would you like to see occur in regard to construction of a residential development nearby to a wetland?

**Mr Myron Humeniuk:** With regard to that particular type of development, I would focus on a multifaceted analysis: whether the land itself is suitable for that type of development, the precautions that would be taken with regard to the water system, the structure of the road system to ensure that there wouldn't be any type of adverse runoff from, say, oil or lawn chemicals or salt that would impact upon the wetland. I would ensure that there was a survey done, that archaeological or heritage concerns were addressed, that vegetation was taken into consideration with regard to the buffering capacity that it could provide for the wetland. It would be a multifaceted type of investigation.

**Mr White:** Thank you very much. I'll pass on to my colleague Mr Waters.

**Mr Daniel Waters (Muskoka-Georgian Bay):** Good morning and thank you for coming before us. I'm going to get something out of the way before my colleagues across the table do: Do you now or have you ever belonged to or been active in any political party?

**Mr Callahan:** That's the first time you've ever asked that question. He must be a Conservative or a Liberal.

**The Chair:** Mr Callahan, Mr Waters has asked that question previously.

**Mr Humeniuk:** Yes, I have.

**Mr Waters:** Could you elaborate, if possible, on that?

**Mr Humeniuk:** I have been a member of and active in the New Democratic Party, the Progressive Conservative Party and the Liberal Party.

**Mr Marchese:** Every party.

*Interjections.*

**Mr Callahan:** That's a home run. That's all the bases covered.

**Mr Marchese:** Where's the Reform Party in all this?

**Mr Callahan:** Haven't you joined the Reform Party yet?

**Mr Waters:** Going on, I'd like to talk a bit about central Ontario. I believe that you have some knowledge or have a piece of property probably in Mr McLean's riding.

**Mr Humeniuk:** That's right.

**Mr Waters:** Mr McLean and I have had the honour—I wouldn't call it an honour or privilege, I guess, but we've had site 41 going on for far too long, and indeed there's another ruling and the people wish to go on and try to pursue it again. What is your feeling on EAs and how long should this process be? This has gone on since I believe 1987 or 1988. It's had two rulings now. Cabinet interfered in 1989 or early 1990, the previous government, and set it back. What is your feeling on EAs and how long they should proceed?



**Mr Humeniuk:** I think that EAs in some cases, if we can take site 41 as an example, have gone on far too long. I was involved in that particular issue between 1983 and 1985.

**Mr Waters:** So it goes back even longer.

**Mr Humeniuk:** Even further, yes. My perception is that the reason it has gone on so long was because there was a certain amount of distrust that was built up among the stakeholders originally: the fact that the site was not secure, that trucks were coming in the middle of the night and dumping industrial waste and only a halfhearted effort was made to contain this particular site.

**Mr Waters:** That would be the Pauzé site, I believe, wasn't it?

**Mr Humeniuk:** That's right: the one on the 10th concession of Tiny. So this thing has evolved over a number of years, and with the current site, with which I am not very familiar, but having been familiar with this process in the beginning, you have a population of people who mistrust the entire site selection process to begin with. You have regional factions that have grown up around the NIMBY syndrome and you have what I consider to be, at certain times, disjointed efforts. I was most impressed in the beginning when the environmental mediation process began because there was a ratcheting down of animosity and a certain amount of trust that built up among all the stakeholders, but I think the whole process has gone on far too long.

**Mr Waters:** I guess that leads into the next question: How do we give credibility and confidence to the people who deal with the EA process in the future? How do we change it so it doesn't happen again? Because the cost and the outcome—the outcome this time was the same as the outcome in the 1980s.

**Mr Humeniuk:** If we're considering this particular example, I don't think we live in that same kind of a world any more. I think the public and all the other stakeholders have evolved since that time. We realize that the important thing is to get people involved in what we call alternative dispute resolution very early on so that you don't have this buildup of mistrust and animosity and this sort of factionalization that occurs on a regional basis.

**Mr Hope:** Just a point of clarification: Did you say what political party you belong to currently?

**Interjection:** All three.

**Mr Hope:** You did say that you've been involved with all three, but I would ask, which one are you currently involved with?

**Mr Humeniuk:** Currently, none.

**Mr Hope:** None?

**Mr Humeniuk:** That's right.

**Mr Cameron Jackson (Burlington South):** He's read the polls, Randy.

1050

**Mr Hope:** I only have two minutes. I find your CV very impressive. You've done a lot of work. Do you feel the work you've done in the past may have conflicts in the future in this role?

**Mr Humeniuk:** This is something I've given a great deal of thought to. I have conferred with a number of colleagues, as well as Grace Patterson, the chair of the EAB, the Environmental Assessment Board, and it is possible that there could be conflicts. However, I have made it known that I will discuss each and every individual project that comes along before I make any commitment to those projects to ensure that there is absolutely no conflict of interest.

**Mr Hope:** With your impressive CV, what would your perception be of the layperson who is making presentations, whether it be before the consolidated hearing board or any other board? How would your perception be to listening to them, considering the knowledge base you have? Let's face it, you're much more knowledgeable on environmental things than most laypersons. I wonder about your perception of or reaction to individuals without a technical basis, which you have.

**Mr Humeniuk:** I think that one of my specialties is the coordination of public information centres. You may be aware of this particular phase of an environmental assessment where the stakeholders all get together. The proponents, the ministries that are involved with the approval process will get together in what we call an open house type of situation. I find that this is far more appealing than a structured meeting, simply because it gives a chance for people to discuss their individual concerns one on one.

You find that laypersons will not be as intimidated by this type of process, that they're more relaxed, that they can communicate easier. These people will leave the meeting more satisfied than if it had been a structured meeting because they feel that their concerns are being addressed. I've dealt with many different groups, all levels of sophistication, and I think I can deal with them on a one-on-one or on a group basis without any problem.

**Mr Hope:** What would be your—

**The Chair:** Thank you.

**Mr Hope:** Can I just ask one—I've been very quiet this morning. Just one very quick question. Do you see yourself reporting back in a more timely fashion than currently—

**The Chair:** Mr Hope, I'm sorry. Mr Curling.

**Mr Callahan:** You've established a dangerous precedent, Madam Chair.

*Interjections.*

**The Chair:** And I'm not doing it.

**Mr Hope:** She's not allowing one more simple question.

**The Chair:** No, I'm not allowing the question and we're moving to Mr Curling.

**Mr Curling:** Madam Chair, before you press that, though, the time is for Mr Daigeler to take the question.

**The Chair:** Oh, I'm sorry. Mr Daigeler.

**Mr Hans Daigeler (Nepean):** If I understand right, you are currently a consultant in this general field of environmental protection and you plan to continue being a consultant?



**Mr Humeniuk:** That's correct.

**Mr Daigeler:** I think Mr Hope did raise that question. That is obviously a very important one of potential conflict of interest, and I appreciate your willingness to make that distinction. But you know, in real life, of course, it may be very, very difficult. This is the first time I've ever sat at this committee, but is there anyone who can answer for the secretariat, who has made that proposal, how they see one can avoid this kind of conflict? Obviously if they make that recommendation they feel that Mr Humeniuk can function without conflict of interest. I just would like to know from whoever speaks for the government on this how they see that.

**The Chair:** Mr Daigeler, at this point during the committee meeting, the questions that you are asking are only to the person who is being appointed. If this other matter is something that you wish the subcommittee to discuss, it is certainly a matter that can be dealt with later on by the subcommittee and then the full committee report.

**Mr Daigeler:** So there's nobody here who can—

**The Chair:** No, because the purpose—

**Mr Daigeler:** Okay, thank you. My other question then is, as Mr Hope said, I think you obviously have a lot of expertise in this general field. Beyond the technical expertise, and you described it a little bit, what would be sort of the general values that you would bring to the decisions of the Environmental Assessment Board? Because in the end, it always boils down to weighing the various factors and the various considerations. I just would like to hear a little bit from you what your main priorities are and how you would approach the decisions that you will be facing.

**Mr Humeniuk:** Generally, each project receives consideration with regard to cost-benefit analysis. What we do here is we weigh the costs and the benefits against each other for all the various areas that are involved in the particular undertaking. These would involve aspects of engineering, of natural environment components, the aquatic environment, the socioeconomic environment, whether there are residential areas that might be affected in any way, transportation, water and sewage, archaeological and heritage concerns. My focus is basically coordinating all the various aspects of environmental impact assessment to ensure that everything receives proper consideration.

**Mr Callahan:** I was just going to inquire, Mr Humeniuk, with reference to this question of conflicts, I might suggest that you might want to put in an application for chair of the Human Rights Commission. I see you like to travel, and that seems to be part of the job, I guess.

More seriously, I've looked at some of the things you've done, and I'm wondering, having consulted on those particular issues and having rendered consultant reports, if these might not cause some difficulty in terms of you sitting as a member of the board in that those reports and your decisions that you made there—and obviously it's like any other consultant; when you're hired by someone you look for a report that will benefit their point of view. You'd agree with that?

**Mr Humeniuk:** No, I don't agree with that.

**Mr Callahan:** You don't agree with that. They're not like lawyers, where when a lawyer is retained by a client they usually try to advocate for the best face for their client? I always assumed that consultants did the same. I may be mistaken. I've used consultants professionally and always assumed that they were looking at the best side of our case. But you say that's not the case with consultants on the environment?

**Mr Humeniuk:** No, what I'm saying is that in my particular experience and background I do not take point X, which is the end, and decide how I'm going to arrive at that. What I do is I consider everything with regard to a particular project, I balance the pros and the cons and then I come to my conclusion. In some cases a client hasn't been happy with what I have recommended, but I am not somebody who is biased in that respect.

**Mr Callahan:** The net result of what you're saying is that any of these numerous reports you've done could be held up as reflective of the decision you might make on a case of parallel or a similar type of application. With the numerous numbers of consultations you've done, I would believe that if you're sitting on the board you would have to come up with, on a fairly regular basis, cases that would be analogous or similar in vein to what you've consulted on before.

That concerns me in this respect: The old adage—when you're sitting on a board; this is a quasi-judicial board—that justice must not only be done but appear to be done, one might point the finger and say, “You have to get off,” and I would suppose that you probably would adhere to that. So it would mean that possibly your ability to sit on that board would be jeopardized to a large degree as a result. You may want to comment on that. I see that as a real problem. I don't say that in a disparaging way. I think your qualifications are excellent. If we can get around that, I think it would be excellent to have you as a member. But do you see a problem with that?

**Mr Humeniuk:** No, I don't see a problem with it in that I take an objective stance to every project I work on; that I have the capacity ahead of time, before I become involved in any hearing that the board will be sitting on, to discuss with a certain number of parties whether there is or there could possibly be a perceived conflict of interest, and I will abide by the counsel I get from the people I speak with.

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**Mr Callahan:** Well, if you don't see a problem with that.

Your experience seems to go all over the map in terms of different types of environmental consultation you've done in your particular line of work. I realize this is only a part-time position, but do you have the time to be available to sit on this board?

**Mr Humeniuk:** Let me put it this way: I'm making the time, because I consider it to be an honour to serve on this board.

**Mr Callahan:** What amount of time do you envisage you'd be sitting as a member of this board?



**Mr Humeniuk:** At this time I'm not aware of what kind of time will be involved.

**Mr Curling:** May I ask you one quick question? Do you believe you will be appointed to the board?

**Mr Humeniuk:** I hope I will be.

**Mr Curling:** What is your understanding of the process of coming before the committee here? Is it to approve your appointment on the board?

**Mr Humeniuk:** I assume it's, first of all, to clarify any questions that members of the committee here might have, and then to make a decision, yes.

**Mr Curling:** Then who to make a decision? Then we to make a decision to appoint you?

**Mr Humeniuk:** From my understanding, yes.

**Mr Curling:** Thank you very much.

**Mr McLean:** Welcome to the committee, Mr Humeniuk. I see by your résumé that there's not much need to ask whether you're qualified. We all know you're well qualified. But I have a couple of questions.

Waste management master planning: I see you've been involved in that in Marathon. What would that job entail?

**Mr Humeniuk:** That was a particularly difficult project, because the original consultant had been relieved of their participation because of cost overruns and a lack of progress. I picked up the file and started going through it, and it was an extremely difficult project to deal with, simply because of the number of cost overruns that had occurred.

The initial site that had been picked was found to be unsuitable upon further investigation, which meant that a new site would have to be chosen. The second site that was chosen became contentious because of its proximity to an airport and also to the water resources of the Pic Mobert First Nation. There were also a number of studies which had not been completed with regard to hydrogeology which would have to be done in order to satisfy the certificate of approval.

I think one of the greatest problems was that the municipality decided to go ahead with the hydrogeological work in the wintertime, which added far more costs than originally envisaged. It was a particularly hard winter, there was a great deal of snow, and machinery kept breaking down. It wound up being a very difficult exercise.

**Mr McLean:** That leads me into the Pauzé landfill site. You've done some studies on that from 1983 to 1985. Is the plume still going into Georgian Bay or has that stopped, that you're aware of?

**Mr Humeniuk:** I'm not aware at this time.

**Mr McLean:** Of whether it's continuing. Back in 1989, the Environmental Assessment Board brought in a recommendation turning down site 41. Do you agree with that recommendation?

**Mr Humeniuk:** I haven't read the ruling, so I can't comment on that particular decision.

**Mr McLean:** In 1990, then cabinet minister Ken Black went up and made an announcement that the cabinet was going to overrule that and ordered another

investigation. Since that time, I believe a few weeks ago, the Environmental Assessment Board came down with a ruling that the site is now approved. Do you agree with that ruling?

**Mr Humeniuk:** I haven't read the ruling, so I really can't comment on it. I'm sorry. I've been away from that particular topic for a while.

**Mr McLean:** Do you believe that the need for further landfill sites in that area of the province is necessary?

**Mr Humeniuk:** I don't think we can ever get away from landfill. I don't think it's realistic. No matter how much we intensify the blue box and composting and any other types of technology or techniques that come up, inevitably there is going to be a certain amount of our waste that the only way to deal with will be a landfill site. I don't think it's possible to get away from it. The scale may be reduced, and if we intensify our efforts we can probably do that, but I don't think we can ever eliminate them.

**Mr McLean:** The reason I'm asking you some of these questions is that I know you're a professional in the field and we don't very often get people who have had the background experience you have had here to try and pick their brains to find out where we're coming from with regard to landfills, waste management.

The three landfill sites they want to create around Metro: In your professional opinion, do you think three sites are necessary, or would one do the job?

**Mr Humeniuk:** Honestly, I don't know, and no matter which decision is made, whether it would be three sites or one site, it's still going to be very contentious.

**Mr McLean:** In your opinion, do you think energy from waste should be part of the overall waste management system?

**Mr Humeniuk:** It's a technology I'm not very familiar with. I did do some reading with regard to the facility in London that the hospital is using, but it was more or less an introduction and there was no conclusive evidence as to whether there was a severe environmental impact or even a negligible one; it was more or less descriptive.

**Mr McLean:** Are you familiar with the one in Peel?

**Mr Humeniuk:** No, I'm not.

**Mr McLean:** The Ogden Martin organization is expanding its waste management facilities substantially in the States. Incineration is part of their overall plan. Are you aware of the Ogden Martin program they claim is zero pollution? Are you familiar with any of those large plants involved in waste management?

**Mr Humeniuk:** No, I'm not.

**Mr McLean:** I would think that's about the only thing you have missed in your studies.

Some other questions with regard to the Environmental Assessment Board, the limitation of the act of the public sector: Do you feel there are limitations in the act with regard to public sector participation?

**Mr Humeniuk:** With regard to public participation?

**Mr McLean:** Yes.



**Mr Humeniuk:** No, I don't think there is. Speaking from personal experience, I think we can be proud of many of the techniques that have developed in Ontario simply because we can get all stakeholders together, we can discuss matters one on one instead of this presentation arena, which in many cases degrades itself to grandstanding and a shouting match. I feel we accomplish much more in the area of the public open house.

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**Mr McLean:** What is your perception of the board, and do you think the board is performing effectively?

**Mr Humeniuk:** I've had limited exposure to the board up until quite recently, but I've met most of the people. I've attended a couple of sessions with regard to waste reduction and some other topics. I find the people interact well, they're well informed, they're more than willing to assist me. I find the office is very well organized. I've even tried to stump them by going in and saying, "I'd like to see this ruling" or "this piece of legislation," and that kind of material is at people's fingertips. It's presented to me right away.

**Mr McLean:** Do you really think it's free from political interference?

**Mr Humeniuk:** I don't think I've had enough exposure or experience to comment on that, truthfully.

**Mr McLean:** The write-ups in the paper in the last while indicated that when the cabinet overruled the decision of the board, the last chair of the Environmental Assessment Board felt his hands were pretty well tied by the guidelines that cabinet put on with regard to another new assessment; thereby they came in approving that site 41, from what I read in the paper, based on the regulations and rules laid down by cabinet.

That's why I asked you, do you think they're really far enough, when the Environmental Assessment Board the first time turns down the site, the cabinet appeals the ruling, and then they do another assessment—another three years, another few million dollars—and say the site is fine. It's still the same site. That's the reason for my question. Do you think they're free from cabinet at the environmental assessment?

**Mr Humeniuk:** I guess the only way I'll be able to answer that question is once I get involved in the process itself, because at the present time I don't have any knowledge of that particular situation. Nobody has mentioned it to me within or outside the board. I guess only time will tell.

**Mr McLean:** The bottom line now is that it will be interesting to see whether the present government appeals that decision.

**The Chair:** Thank you, Mr Humeniuk, for your appearance before the committee this morning.

MICHAEL BAY

Review of intended appointment, selected by government party: Michael Bay, intended appointee as chair, Consent and Capacity Review Board.

**The Chair:** Our next intended appointment this morning is Mr Michael Bay. Welcome to the committee.

**Mr Waters:** Yesterday seemed the date for some of

our supporters to come forward. Looking through your résumé, I determine that you probably, at least in the past, have been a supporter of another party.

**Mr Michael Bay:** I think it's fair to say I've played footsie with just about every party and a few you've never heard of in a few other countries where I've lived. I'm the politicians' nightmare. I don't have very much loyalty to any party and never really had.

**Mr Waters:** Indeed, at one point you were an executive assistant to a previous Minister of Health, that being Elinor Caplan.

**Mr Bay:** That's right.

**Mr Waters:** And you have worked with the Liberals. We just didn't want them over there to have to go through all of this. We'll say it for them, get it out on the record so that my Liberal colleagues won't have to go through the exercise.

Because there has been a lot of discussion about the Psychiatric Review Board and the Criminal Code and all of that, can you tell us the differences between the review boards for psychiatric facilities, the Ontario Criminal Code Review Board and the Ontario Board of Parole, sort of set that out for us?

**Mr Bay:** I can certainly try to do that for you. The Ontario parole board is part of the parole structure established federally, actually. To start with the federal parole board, it is responsible to deal with parole issues dealing with offenders who have been given sentences of two years and a day or more. The Ontario parole board is limited in its jurisdiction to dealing with parole issues, parole hearings, dealing with offenders in provincial institutions; that is, inmates who are serving sentences of less than two years.

The Criminal Code Review Board also has a fairly limited jurisdiction. They deal in two areas. They deal with individuals known as "accuseds" under the Criminal Code, and that board is established under the Criminal Code of Canada, though appointed by the provincial government. The only issues they deal with are individuals who have been found not criminally responsible—that's the old "not guilty by reason of insanity"—and individuals who have been not competent to stand trial. They're responsible for reviewing those individuals, setting the restrictions or loosening the restrictions on the way they can be held and generally conducting those periodic reviews.

The authority of the Psychiatric Review Board overlaps to some extent with the Criminal Code Review Board; that is, we see the same population. In fact, all three boards see the same population, because we know the corrections system and the mental health system unfortunately often deal with the same people.

The Psychiatric Review Board deals with a number of matters. One is civil committal; that is, a physician who has committed someone to a psychiatric hospital. These are individuals who have committed no crime. We're concerned with future dangerousness and problems, not past things they may have done. The Psychiatric Review Board also deals with issues such as the competency of a person in a psychiatric hospital to manage their



finances, the competency of a person in a psychiatric hospital to consent to their psychiatric treatment, and other related issues.

Our only overlap is that if someone is in a psychiatric hospital on a warrant under the Criminal Code, we deal with their issues like we deal with any other patient; that is, we will deal with their financial issues and their treatment issues etc, but it's not our department to decide whether they stay in the institution or whether they go. That's a Criminal Code issue and belongs to the Criminal Code Review Board.

**Mr Waters:** Going along with that, I guess, were two of the new acts, the Consent to Treatment Act and the Advocacy Act. How will the Consent and Capacity Review Board interact with those pieces of legislation?

**Mr Bay:** How do we interact with the Advocacy Commission etc? First of all, the Consent and Capacity Review Board has really two jobs. One is that we take over the job of the Psychiatric Review Board. That board is abolished, and all of its responsibility now moves to the new tribunal. In addition to that, we have the responsibility under the Consent to Treatment Act. We also have a tiny, little corner of responsibility under the Advocacy Act where an advocate can refuse to show a client the record and can ask us permission not to show the client the record. I expect to see one hearing like that every three or four years. It's a tiny little jurisdiction.

Most of our interaction will be that when someone wants to apply to our review board, they will have the right to see a rights adviser, supplied by the Advocacy Commission, who will help them fill out the paperwork etc. That's a function now provided by the legal aid plan and by the Psychiatric Patient Advocate Office operated by the Ministry of Health. Those responsibilities are moving over to the Advocacy Commission, so their advocates will come out and see the patients, help them fill out the forms to come before us, but we'll never see the advocates or the rights advisers because they're involved in the process at an earlier stage.

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**Mr Waters:** I'll ask one more question. What, in your view, are the main challenges facing you as chair when it comes to building relationships? Indeed, you're new, and you've been working with this group ever since its inception—or conception—so what would you see as your job and how would you go about building these relationships with the regional vice-chairs and all of those people?

**Mr Bay:** There are a number of challenges here. I have the advantage because we're picking up the culture developed by the psychiatric review boards. They've developed a good working relationship with the communities and the facilities that they work with. They'll continue their work. My challenge, should the committee recommend my appointment, is going to be to set up mechanisms to provide for quality assurance and consistency, to be sure that if you appear before the review board in Kapuskasing or Kenora you're going to get the same level of service, the same type of service that you get in Toronto or Hamilton or Kingston.

We're also going to have to do more outreach and education to be sure that all of the various sectors that deal with us will be able to predict the sorts of decisions that we're going to make so that they don't have to come before the review board.

As well, there's going to be a lot of work in outreach and education to the various stakeholder groups—to the medical community, to the other health care provider communities, to the consumers, to the family groups, to the bar, to the bench, to some extent, to the public guardian and trustee's office, and to the Advocacy Commission—to maintain open communications with those groups, to be a catalyst for education and outreach, to be sure that the debate that takes place in this area is as informed as we can make it and that the various players understand the law and how to work with it so that we can minimize difficulties as we move into the implementation of the new legislation.

**Mr White:** Thank you very much for joining us today, Mr Bay. I'm certainly very impressed with your résumé. Unlike other parties, we of course have no difficulty in appointing someone who has had associations with another government.

The question I have is a fairly simple one, and that is, how do we ensure that someone who may be incapable of forming a good, solid, stable decision, of being able to direct treatment or their resources, but still is involved in that decision-making process, still is informed, still has their consent respected, how are we going to be sure that with this new law in place that while that person may not be capable, they are still involved and still respected?

**Mr Bay:** An important question. I'll try to answer it as shortly as I can. I have a disadvantage. Being a lawyer, I'm not sure I can answer anything too shortly, but I'll try. There are a couple of tools that we have. It's an essential issue, of course, with an aging population particularly, that we deal with that. One is the issue of preplanning. The Substitute Decisions Act has mechanisms: powers of attorney, advance directives etc. I recommend to people as well that they use good old-fashioned self-help techniques: See your banker, see your accountant, have family powwows as you move towards inevitable changes in your life. In other words, we have to encourage people to take care of problems themselves.

On the other hand, when people are in the system who are already incapable or have difficulty in managing issues, it's very important that all the way through the professionals and other people involved with them pay attention to what people want, involve them, treat people with courtesy and respect, and never forget that the individuals we're dealing with are people.

We have to stop seeing individuals as a diagnosis or as a problem. We have to, in my view, start recognizing ourselves, in the words of David Lepofsky, a Ministry of the Attorney General lawyer who just won the Order of Canada for his work with the disabled—David refers to people like me as the temporarily abled. I think it's important that we all remember that this is who we are and what we are and that we have to treat everybody with the appropriate respect and actively involve people in decision-making. Then I think we'll be further down



the road. I guess the answer is that the legislation will help somewhat, but it's an attitudinal issue for all of us.

**Mr Curling:** Thank you for coming before the committee. I'm quite impressed with your résumé; rather intimidating. When I read it, I said those achievements that you've done are just remarkable. Could you tell me, before you came before this committee, what was your expectation of the role of this committee?

**Mr Bay:** Something like being called down to the principal's office, I guess. I had assumed that it was the role of the committee to review my proposed appointment so that it can make a recommendation to the Legislature that in effect will govern my future for the next couple of years.

**Mr Curling:** I see. It was kind of my understanding too. Thanks for that.

Just one other quick question: The composition of the board is three members, I understand. In regard to their professional relevance and qualifications, I know that has been changed now. It was once, as you said, done by the Psychiatric Review Board under the Mental Health Act. Now it has changed. Are the professional qualifications of the people sitting on the board almost consistent in what the Psychiatric Review Board had? In other words, what are those qualifications in regard to the people they're assessing?

**Mr Bay:** Thank you for the question. Depending on what the board is doing, because we now have 13 different kinds of hearings we can conduct under three different pieces of legislation, the required composition of the board will change depending on the kind of hearing we're doing. If we're doing involuntary committal under the Mental Health Act, which will continue, we believe, to be about 80% of what the board will be doing, the board will continue to consist of at least one psychiatrist, at least one lawyer and at least one community person.

When the board is dealing with capacity—that's under the Consent to Treatment Act—the board is required to have at least one member who has expertise in the evaluation of capacity. One of my first responsibilities, should I pass muster, will be to further define what we mean by that and select appropriate people at the beginning, because time lines are very short. We'll be using psychiatrists for that capacity. It's everyone's expectation, including the consumer and provider community's, that we'll move away, out into other sorts of professionals. In some hearings there's no requirement; it can be any three members. That's the law.

In practice, I suspect we'll continue with the professional members at the beginning, that is, with the psychiatrist and the lawyer on the board, and move fairly gingerly towards a wider representation, which is a good idea but we want to be sure that we're not losing any stability or acting irresponsibly. So we'll start like we are now and move slowly away from that over the course of about two years.

**Mr Callahan:** Mr Bay, I want to get into an issue and I have limited time, so I hope you'll keep your answers, if you can, short. I'm concerned about schizophrenics in this province and have been since 1985, when for some

reason the Mental Health Act was enacted in such a way that these people are involved in a revolving-door scenario. You're familiar with that.

**Mr Bay:** Absolutely.

**Mr Callahan:** They're picked up on the street because they're a danger to themselves or the public, they're taken into the institution, they're medicated; then they appeal to a committee that now sees that there are rights, so they can't be medicated any further and they're back out the door on the streets to do this whole thing all over again.

With the exception of the Substitute Decisions Act, which would allow a parent of a schizophrenic, while the person is medicated, to take a substitute decision, we have not gotten any better with the consent to treatment, I suggest. In fact, what we've now done, as I read our research from our research people, is considered a situation where persons are found to be incapacitated, ie, picked up on the street in the fashion I've just suggested, they come into the institution, they can't even medicate them without calling a rights adviser who will advise them that they have the right to refuse or whatever, that they have a right of appeal and so on.

What is your position? You seem to have a good degree of involvement in dealing with the mentally handicapped, particularly in this area. I'm a criminal lawyer by profession and I've had a lot of schizophrenic clients before the courts where the judges have said: "We don't want them here. They're health problems. They should not be before us." The alternatives you've got are, you either plead them guilty or you have a defence of insanity, in which case I've seen crown attorneys who've actually tried to bring a section 16 application under the Criminal Code and have them sent to Penetang at the pleasure of the Lieutenant Governor for ludicrous acts like perhaps taking their clothes off in public.

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What do you have to say about this? Do you agree with me that the acts as presently phrased, other than the Substitute Decisions Act, haven't moved us one step closer to helping those poor people, who are probably the majority of our street people in major cities?

**Mr Bay:** I don't want to diminish the seriousness of the problem. It's a very serious problem. Over the last 18 months I have spoken to most of the chapters of Friends of Schizophrenics in the province, you may have noted in the résumé. I do that really more so that they'll educate me than so that I can educate them. But I'd ask that you also understand the pickle that I'm in. I have to be very careful to maintain a neutral stance. I've always said that I don't want to either praise or damn legislation; I have to work with it. It's kind of a judicial capacity and I have to be very careful.

There are some tools that hold out some hope in the new legislation. How well they'll work, I don't know. I don't have a crystal ball. We have the Ulysses contracts, which will allow the person of varying, vacillating competency to give advance directives. We have the capacity for guardianship orders which may allow families the right to have the relative admitted to hospital. Whether



that's going to be a wonderful tool or cumbersome and unworkable, I don't know. We'll have to see.

One of the main things is, first of all, to understand that the way we treat the psychiatric patient isn't changing very much. The rules have been moved from one piece of legislation to another but they're not really changing. One of the big roadblocks over the years has been that we haven't educated our health professionals. We've given them a lot of responsibility and some complicated legislation. We haven't given them enough education and background in the legislation so that they can work with the tools such as they are in the legislation.

**Mr Callahan:** I think they're frightened silly out there.

**Mr Bay:** A lot of them are. I spend, again, a lot of my time doing grand rounds speaking to hospitals. I hope to commit, I think it's fair to say, a majority of my time—again, should I receive the recommendation of the committee—to speaking to the various groups, with an emphasis on the health providers, to help them with these issues.

**Mr Callahan:** I don't mean to interrupt you but I'm running out of time. I've heard things from dentists saying that if a young child is brought in and told that they have to have Novocaine and the kid says, "No way, José," they have to stop everything and get a rights adviser to come in and advise. I'll ask you to comment on that in a second.

Finally, would you not agree with me that schizophrenics—I remember when these Mental Health Act amendments were made. David Reville of the NDP was a very strong mover behind that, and David was concerned about the question of electric shock treatment and so on. I agree with him that those are things that should not be made available. But to deny a schizophrenic a drug that will make them well is kind of like telling a diabetic, "Don't take your insulin." It just strikes me as totally, absolutely idiotic.

What I'd like to find out is, would you not agree that schizophrenics, being a very special group of people who have mental incapacity and who can be cured or at least put on an even keel, should not be specifically defined within the Mental Health Act or the Consent to Treatment Act in order to allow them to be medicated without all of this mumbo-jumbo of having rights groups and advocates and all the rest of it come forward? If we don't do that, and I guess maybe I'm making a speech now I've seen families with kids out there on the street roaming the streets, they have no idea where they are, and the only time they find them is when they pull a knife on somebody or they do something outrageous because they're out of control.

My question is, and you're probably not going to have time to answer it, from your experience, should there not be a specific definition of "schizophrenia" in the act, in whatever act, and special rules, if you don't have a substitute decision-maker, that in fact this person can be medicated and perhaps can even be required to take medication so that they can carry on in a normal fashion in society?

**Mr Bay:** Let me try to answer that in a few sentences. First of all, with regard to the young child, as I understand it, as a result of those concerns, before the Consent to Treatment Act went to third reading it was amended so that those under the age of 14 are not given rights advice. If they're found incompetent, one simply goes to parents, gets the permission and proceeds. That's my understanding. Again, I don't pretend to be an expert in it.

As far as the issue of schizophrenics in particular, I must admit, and I again mean no offence to those who are in the business of passing legislation, I felt for many years that the real key here is not legislative but administrative. I would love to see at some point this province look at case management models to deal with the schizophrenic population. Washington state is a good example—again, not an issue of legislation; an issue of not letting people fall between the cracks, having case managers acting as, if you will, advocates, not in the Ontario sense, assisting people through the system. To my mind, that's about as close to perfection as we can get, and these are people with great difficulties. We can't get very close to perfection with them.

**Mr Jackson:** Mr Bay, Mr Callahan has referenced the changes to the Mental Health Act, which were brought in by the Liberal government in a minority government situation, as you'll recall. I sat on that panel and worked on the legislation, but I recall very clearly and vividly that we failed to come up with a legal definition of "competency"—capacity is a different issue, but of competency.

I note from your résumé that you ascended to a position within the minister's office in 1988 and I wonder why we've been unable, during at least your period, to resolve that issue. I know you can't say why the government didn't do it, but you are a pre-eminent lawyer in the field and it's a valid question to ask you why we were unable to craft legislation, legal wording to resolve this issue.

**Mr Bay:** I don't know the legislative history. In my very brief period working on the inside of government, I must admit to having no connection with mental health issues at all, quite frankly, so I can't help you—

**Mr Jackson:** You're familiar with the Mental Health Act?

**Mr Bay:** I'm familiar with the act.

**Mr Jackson:** You're familiar with the deficiency which I brought to your attention, the Weissstube report and others.

**Mr Bay:** Absolutely. I don't have any great difficulty, in fact, with the definition of "competency" to consent to treatment that's found in the Mental Health Act. What the courts have done is to craft a definition—it's very awkward in the Mental Health Act itself—of "competency" out of the Mental Health Act which pretty well reflects what the various academics in Europe and North America have been saying: a three-part definition of an ability to appreciate what your problem is, an ability to appreciate what it is the doctor wants to do for you, and an ability to understand the ups and downs of doing it and not doing it. Why that wasn't—



**Mr Jackson:** But that is a court's definition.

**Mr Bay:** The courts have done that, yes.

**Mr Jackson:** This is not necessarily the working model and the operating procedure as set out by the policies that will govern the committee which you are aspiring to operate.

**Mr Bay:** The courts have crafted that definition when dealing with appeals from the review boards. Under the Mental Health Act we had a good working definition that we understood. The problem was that it wasn't clear on the face of the Mental Health Act to the health practitioners etc. So we knew what we were doing, but the health practitioners, who had to deal with it on a day-in and day-out basis, didn't necessarily know it, and we're going to have to go through some of that definitional difficulty again with the new legislation.

**Mr Jackson:** You stated earlier under a previous question that you didn't feel amendments to the legislation were required at this time. I was fascinated by your reference that 80% of your activities would be around the issues of competency, which would leave about 20% for capacity.

**Mr Bay:** I'm sorry, committal, involving committal 80%.

**Mr Jackson:** Committal is in the realm of mental health concerns that deal generally with competency. I know all these words sound alike, but I understand the differences. I wanted to get a sense from you, as we move into the parallel regimen of the Ontario Advocacy Commission with the limited number of rights advisers who are going to be floating out there, how you see the distribution of your time based on this bold new world.

To put a very global point on Mr Callahan's specific point, we are reducing access to institutional beds for those who are concerned about capacity, Alzheimer's, seniors and so on and we have reduced in a very dramatic fashion access to mental health services in this province which deals with the whole issue around admission and competency issues. In my view, this is going to put incredible pressure on your appeals board because there will be people who will appeal in the reverse, that they were not.

**Mr Bay:** The question is, should we have the power to deal with people who want in and not just people who want out? That brings us closer to the Australian model of the review board, which has more of an Ombudsman role in the whole mental health system. I don't want to sound like an imperialist looking for more work or bigger jurisdiction, but I'm rather fond of that model, where we have some remedy for folks who are looking for access to the system, not just the folks who are running away from the system. Again, I have to work with what we've got.

1140

**Mr Jackson:** Fair ball. I'm very pleased to hear you say that, because that is what I think is the challenge of the next decade, which will be those people who are seeking treatment and can't acquire it in a society that is suffering certain financial realities, as are the words we're using.

But in mental health, that's particularly acute, where they're calling out, and it is on this fine point that I'm having trouble determining the real role of a rights adviser. Everybody in the system says, "Yes, this person needs treatment, he or she wants treatment, but we can't get them treatment." That is an entirely different approach to the 1960s, 1970s or 1980s model, which is more rights-oriented, which is a resistance to crossing a threshold into some type of regimen or program by government.

**Mr Bay:** That really is a question that should be put more to the Advocacy Commission.

**Mr Jackson:** We tried. We tried very hard.

**Mr Bay:** I hope very much, with all due respect to them, that their rights advice role will be somewhat separate from their advocacy role. If the rights advice is helping people use the law to make the system get away from them, I hope they will follow up in the way, for instance, that the Psychiatric Patient Advocate Office did in Ontario in the last couple of years, being involved in issues like that, quite legitimate: "Get out of my life and leave me alone," on the one hand, but on the other hand, "I need services." I hope the advocacy side of that and the systemic side will assist in that regard and be active. I guess I'll be an observer in the same way as everyone else will be.

**Mr Jackson:** May I commend to you or can I suggest you look at the interview of Mr Reville. I at least tried to raise that focus point with him, because I have concerns about the tension that would exist within the Advocacy Commission. As has been referenced by Mr Callahan, he had a major determinant finger in the Mental Health Act amendments of 1985-86 when I was sitting with him over on this side of the House.

I wish you well. You're eminently qualified. I'm not worried about your background. I don't think you were in government with Mrs Caplan long enough to be that much influenced by her.

I would just indicate one more point, your familiarity with the work of Dr Willie Molloy in terms of capacity. I've had a chance to go to McMaster University and look at those models. I know even other countries are looking at them. I'm quite encouraged by them and I hope you in your tours get up to speed with that bit of information as quickly as possible. If the model is to be implemented in Ontario as the first of its kind in the world, I certainly hope that your office is keenly aware of it.

**The Chair:** If there are no further questions, thank you very much, Mr Bay, for your appearance before the committee this morning.

FAROUK MUHAMMAD

Review of intended appointment, selected by official opposition: Farouk Muhammad, intended appointee as member, Ontario Film Development Corp.

**The Chair:** Our next appointment is Mr Farouk Muhammad. Welcome to the committee.

**Mr Curling:** Thank you for coming before the committee. I was reading your résumé and I was quite impressed with your résumé too, but I'm not too concerned about the résumé so much since you are that



qualified. Could you tell me first, though, what is your understanding of the committee? When you were asked to come before the standing committee, what did you expect it to do, and the role of this committee?

**Mr Farouk Muhammad:** Thanks very much, Madam Chairman, for your warm welcome and good morning all. My understanding is that this is a review committee. I'm here to be evaluated, I think the last speaker said, like a student in front of the principal. I'm here to be listened to and see how I interpret some of your questions, whether it is in focus with what is the desire of the group. But it is a review committee is my understanding.

**Mr Curling:** My approach normally in this committee from my point of view is to make sure we get enough information to see what type of individuals are sitting on different boards, commissions and agencies. My experience in this committee is to say to people like yourself: "Relax. You've already been appointed and it's fine. Don't worry about it. It's a done deal anyhow." What we try to do then is to get some information from you, because regardless of what we do, you'll be appointed. But I'm impressed by what I see here.

Where do you see the direction of the Ontario Film Development Corp going in regard to reflecting the community at large? Do you think it's improving or do you think there's more to be done? You have a wide experience internationally, and now that you are here you have quite a bit of experience locally. Do you see that the Ontario Film Development Corp is moving in that direction of incorporating the community as a whole?

**Mr Muhammad:** There is always more to be done. In terms of the industry of film and the industry of mass communications as a whole, we are in a watershed period right now. Certainly the work of the OFDC is reflected positively by the size of the industry in Ontario. We have probably somewhere around 22,000 people involved with it, so there is in fact positive participation. We are the province that's attracting the largest amount of film development investment in the country at the present time, probably somewhere around \$550 million, say \$600 million.

In terms of where we are directed or where we should go, you are all aware of the buzzword "the information highway." The information highway is certainly going to create a tremendous amount of software opportunity, and I think this is where the OFDC has a role to play in satisfying the needs.

**Mr Curling:** Yes, you're perfectly right in the progress that has been made of people coming here and making films here, but still, despite many, many developments of actors and film productions here, most of our best talent goes south to be more creative and get their stuff done. Do you feel more could be done here in regard to government in encouraging people who are making films who are Canadians or Ontarians?

**Mr Muhammad:** The attraction to the south is not only related to the film industry, unfortunately. It's a larger market and creates bigger opportunities. But certainly from an Ontario standpoint, yes, there are opportunities that are ahead. The demand for new and different software, both theatrically and on television, is

in fact increasing. Even within Canada, the introduction of a number of new specialty services in itself is going to create new demand for Canadian material. I think there is an industry satisfaction here to be met and we in Ontario could in fact try to live up to this new market expectation.

1150

**Mr Curling:** The complaint you must have heard before is that many of the Ontario-based companies need not only moral support but some more financial support from government in order to advance some of the very creative and some of the productive things they are doing. Do you feel the government is listening, because in the arts circle, the first thing that is always cut anyhow when we're in a bad time is within the arts industry. Do you feel more should be done in the sense of advancing and encouraging with more loans to especially Ontario-based film production?

**Mr Muhammad:** Funding is a problem not only for government, but funding within the private sector is in fact a problem at the present time. More can be done, I think, in terms of the stimulation of opening up market possibilities. If market possibilities are there and realized, there would in fact be a velocity of spending which would create income. Free gifts are really not at all times the best solution to problems.

I think from an OFDC standpoint an understanding of their own marketing and sales positioning locally and internationally may in fact create new dollars instead of coming to the treasury and asking for increased funding. As I said before, definitely within Canada and outside of Canada the demand for software is increasing. If we are astute enough to take these opportunities and make use of them, I think we can get our products being sold commercially and, if the products are being sold for the right price, it will generate income.

**Mr Daigeler:** You obviously have quite a background in this whole area of film development. Before you applied for this position, were you familiar with the work of the Ontario Film Development Corp? Is it something that people out there really are aware of and appreciate? Speaking not as a possible appointee but as somebody who's out there, from your colleagues and so on, is this a government agency that is appreciated out there and where there's a lot of support for it, or what's the perception?

**Mr Muhammad:** Just for the record, I did not apply for the position. I think I was invited in by probably the OFDC, and this is understandable, answering the second part of your question. Personally, because of my involvement in what I do, I do come in confrontation with the working of the distribution arm of the OFDC.

**Mr Daigeler:** In contact, not in confrontation.

**Mr Muhammad:** Yes, professionally. I meet them in places like the south of France and Cannes at the French film and television festival. In fact, I saw representatives three weeks ago in Las Vegas at the—

**Mr Callahan:** How did you do? I'm sorry.

**Mr Muhammad:** Very badly at the slots, but I think in the film market not too badly.



I am aware of the working of the OFDC from its programming outlet possibilities and its support to producers in international markets. I meet people who are representatives within this group and have discussions with them. So, yes, to answer simplistically the question, I am aware of some of the working of the OFDC, particularly in terms of its distribution.

**Mr McLean:** Welcome to the committee, sir. Have you met the director of the Ontario Film Review Board?

**Mr Muhammad:** No, I haven't had the pleasure.

**Mr McLean:** Do you know her background?

**Mr Muhammad:** Yes, I'm aware of her background.

**Mr McLean:** You don't think you would have any problem working with that individual?

**Mr Muhammad:** Not at all.

**Mr McLean:** I wish you well. Thank you for attending.

**Mr Hope:** A couple of questions I want to ask, because it's important: How do we increase Ontario and Canadian production, and promotion of Canadian and Ontario products to the broader public? I come from Chatham, where Detroit is just across the river, and we see more American television than we do Canadian. How do we do that through this agency? How do you see us promoting more Canadian and Ontario content, promoting our educational base, of television, with our children?

**Mr Muhammad:** I'm in free broadcasting and I have the same problem, the problem of the power of the south. But there are, I think, positive avenues to follow. One is the quality of our own writing and the quality of our own production, and if, with the support we give to writers and producers, they come out with product that becomes competitive, this would attract an audience. I think that's the basis. If it is for free television, it is the ability of a program to become sustainable to an audience. If it is theatrical, it's the ability to keep the box office going. It's not only a matter of dollars and cents, but a matter of the quality of the product in itself. That's one.

The second area is distribution. In traditional means—and that's what you are looking at, free television, free at the box office, but there might be other means that could be used outside of schools and libraries. I don't know if the OFDC has considered in the past working through, say, community groups, for example. In every small town, there are community groups that are ethnically oriented or groups that are socially oriented. Probably interaction with such groups might give a whole different viewing opportunity for material.

In looking at the future, you do have to look at alternatives to what's happening at present. So to augment the mass blitz you may have to look at submarkets.

**Mr Hope:** Are you familiar with the Film Products Incorporation Act that was being asked for back in 1988?

**Mr Muhammad:** Peripherally.

**Mr Hope:** In the material supplied to us from legislative research, it makes it very clear that the former chair of the OFDC was calling upon "the Mulroney government to introduce legislation strengthening Canadian film companies' ability to bid for the distribution rights of

foreign films to be shown in Canada." The Mulroney government had promised the legislation in 1988 but backed off because of pressure and allegations from the Reagan administration. I'm wondering, do you see yourself moving in that same direction? That's why I needed to know if you had familiarity with the Film Products Incorporation Act that was being asked for. Would you see that as another avenue, as there is a new government there, and understanding Mr Curling's really deep concern about the film industry, to push that forward to the new government?

**Mr Muhammad:** I think it will be difficult under the present NAFTA agreement. If an American company—MCA, for example—is producing an American movie, what that act was asking for is that once the film comes into Canada it should be redistributed within Canada through a Canadian agency. MCA will find it is better to have its own representative and have a Canadian office. I would think that under the free trade agreement right now this would be difficult, to say that an American product must come through a Canadian agency. It's the same as us saying that if OFDC wants to sell its programming in Hollywood—take the reverse situation. Do we have to do it through an American agency or should it be done through a Canadian representative?

**Mr Hope:** Knowing there are provincial dollars given to the OFDC, would a 20% reduction damage the economic recovery or economic growth of the film industry?

**Mr Muhammad:** It's very difficult for me to answer that today. I really don't know the budget structure, and I don't know the financial distribution that's taking place at the present time. But from a business perspective I would say that if somebody comes to me and says, "I'll take 20% off your operating budget," it could have detrimental effects if you don't look at it in its broadest possible scenario.

**Mr Marchese:** Just a few comments, Mr Muhammad: Some of us are very interested in supporting the film industry, because we know what it generates in terms of economic and social activity. We know that France and many other countries, Italy, Germany, have a history of film, and I think they recognize that it is an industry. The Americans recognize it's an industry. That's why they hate to give it up in terms of film distribution. I'll get to that in a second. But we Canadians have lagged behind a great deal, and that includes governments. My suspicion of all governments is that they have been very slow in terms of support.

To be fair, the Liberals introduced the Ontario film investment program. We've continued that, and I'm happy we have done so, because we know that all the millions spent in the film industry generate so much more in terms of spinoffs in other areas. It is an economic generator as well as creating a Canadian culture that I think is desperately needed. Do you have a point of view with respect to all this in terms of how we promote it, what else we can do, how we get support from the public and government, both provincial and federal?

**Mr Muhammad:** It certainly is an economic generator. It is in fact a major industry and will become even more so as time moves along. We are getting into this



whole new world where our lives are going to be governed by a television screen, whether we like it or not, in one way or another. With more channel capacity for television and more access, it means—I come back to the first answer of software development. Certainly, in terms of an industry, for anyone involved in the development of software for radio-television the future looks better tomorrow than it probably looked in the past, because of more channel capacity.

There is a difference in our approach, certainly in Canada and even in North America, from that in Europe. In Europe, government spends more, I would think, in terms of the financing of their films through government agencies, primarily because a lot of it is based on image-building—I don't want to use the word "propagandist," but I use "image-building" because there is a different kind of message to be sent out. It is a message we do not have to consider. Here, certainly there are cultural messages we want to send out through mass media, but we look at the distribution of those messages from a dollars-and-cents standpoint.

How can we promote? I think that the American domination of the screen, be it the theatrical screen or the television screen, is changing. I think there are new opportunities, certainly for us in Ontario, for Canada, because of this.

The Canadian image internationally is one of great receptivity, and it is an area we can take advantage of. We do not have the cast situation, the star cast and megastars, that you have in Hollywood. This is in itself a limitation. We are attracted to a television program or a theatrical film mostly by the big-name actors and actresses they attract. We do not have that. I think we can find our own sufficiencies through the cleverness of writing and production. Our technicians and our writers are probably as good as anybody in the western hemisphere, as good as anybody in the world; that's why we lose so many to the south, in any case.

But new opportunities for us could be in the versioning of some of our material in different languages, more of that, so you can get into Europe. There might have been in the past a traditional English-to-English or French-to-French module, but we could try and see if we can overcome that, particularly since there is now a NAFTA market here in Canada. As multicultural television in itself is developing, there is a whole market for an Ontario movie played in Italy in Italian and being repatriated back to Ontario. I can see that as a new stimulation.

The whole video market is growing, and in terms of our own distribution concept, to be again non-traditional, I think we should be looking at how more effectively, probably, video can be exploited outside of Ontario, outside of Canada, as a revenue source.

**The Chair:** Thank you for your questions, Mr Marchese, and thank you, Mr Muhammad, for your appearance before the committee this morning. We are now going to have a subcommittee meeting, so we will recess the rest of the committee for lunch. We'll see you back here at 2 o'clock.

*The committee recessed from 1203 to 1405.*

DIANE MORROW

Review of intended appointment, selected by government party: Diane Morrow, intended appointee as member, Board of Management for Homes for the Aged and Rest Homes—Parry Sound West.

**The Chair:** We would like to commence this afternoon's session to continue our review of intended appointments by the government, and our first interview this afternoon is Ms Diane Morrow. Ms Morrow, welcome to the committee.

**Mr White:** Hello, Diane. Thank you very much for coming down to join us this afternoon. This is a process which shouldn't be too terribly intimidating. My friends in the opposition won't be asking you what your party credentials are and things like that.

**Rev Diane Morrow:** I probably wouldn't be able to tell them.

**Mr White:** What we're about really is a fair and open process whereby people can be assured that public appointments are in the public's interest, and that's why I'd like to ask you a few questions about homes for the aged, your knowledge of the facilities in Parry Sound and your interest in the position. Perhaps I could start simply by asking what you know about the changes that came about recently in terms of homes for the aged and nursing homes.

**Ms Morrow:** I know there is one change that will probably become effective this year, this summer, up in Parry Sound. Other than that I don't have an awful lot of knowledge there. I'm learning. I've got all sorts of reading material that I've been trying to read up on.

**Mr White:** So you're preparing yourself for that role as a board member.

**Ms Morrow:** Yes.

**Mr White:** What have you done so far? You've been to the home?

**Ms Morrow:** Oh, gosh, yes. I'm a minister with the United Church of Canada, and we do church services there.

**Mr White:** On a regular basis?

**Ms Morrow:** On a regular basis, yes. We all take our turns on a Sunday with all the denominations. So I've been going into the home now almost two years as a pastoral assistant because my husband is the minister for Parry Sound Rural and I am in MacTier and Foot's Bay as the intern supply.

**Mr White:** So you were the person who would be the most likely to be doing the pastoral visitation then too.

**Ms Morrow:** Yes, more than likely. I haven't been called in. I've definitely been called into the hospital but not into the home. But I'm on the steering committee for palliative care, which we're trying to get off the ground in Parry Sound west also.

**Mr White:** Have you been involved with the local community care and other service agencies?

**Ms Morrow:** No, just through the hospital as a member of the ministerial, with the different denominations.

**Mr White:** And you're a member of the ministerial



association, the local presbytery?

**Ms Morrow:** Yes.

**Mr White:** You've had a fairly active role there.

**Ms Morrow:** In the hospital I have, not so much in the ministerial. My husband has played more of an active role there.

**Mr White:** Ms Morrow, could you tell me a little bit about why, aside from the extensive experience you've demonstrated in your letter here, you feel that you would have something to significantly contribute to the board?

**Ms Morrow:** Because of my caring nature. I care very deeply about what happens. I've been in the people business for as long as I can remember, in the health services. I just finished three years as a chaplain at the Hospital for Sick Children and have dealt significantly with grandparents who seem to be forgotten when a grandchild is dying; the focus is on the parents. I care. We're dealing with an aging community out there. I'm in two churches where I have an aging congregation and I think it's very important that their future is looked after.

**Mr White:** Actually, when you mentioned working with the United Church and with the Hospital for Sick Children, it reminds me of my own minister, who had to come here from Alberta because his daughter needed the care that could be provided at the Hospital for Sick Children. But Alberta, because of its savaging of health care, no longer provides—

**Ms Morrow:** I know who you're talking about, as a matter of fact.

**Mr White:** Yes. He has a name very similar to mine, in fact.

**Ms Morrow:** Yes.

**Mr White:** Thank you very much, Ms Morrow.

**Ms Morrow:** You're welcome.

**Mr Waters:** I'd like to welcome you to the committee, being a neighbour from Muskoka. The first thing is, I've been away for a couple of days. How bad was the storm? I have to go home today.

**Ms Morrow:** Well, we've got lots of snow.

**Mr Waters:** That's good. I've seen from your résumé that you've done a lot of pastoral-type work, and I guess, knowing the riding you're going to be working in if you're successful here today, I'm wondering how you feel about it, because it's such small communities here and there around the riding. Are you going to be working solely in the rest homes or will you be working with the people in their transition or their families?

**Ms Morrow:** Oh both, definitely both. This is a big decision for people. The best thing is that persons can be kept at home because they're in familiar surroundings and they have familiar things around them. Yes, and I have been involved with people at St Joseph's and the General. I have only lived in Parry Sound now for less than a year; it'll be a year in a couple of months, but I've been going there for 25. I've been a resident in Carling.

**Mr Waters:** I apologize because I was a couple of minutes late. There's a question that I'd like to pose and I don't know whether it's been asked, and that is, how you would build a working relationship with the other

members of the board and the staff at the institutions. I think that's part of it, that as well as working with the family, there's the board. It's two groups of people who come together to work as a partnership in order to indeed make the client groups' lives as comfortable as possible and to alleviate as many fears and all of those things that happen in a senior's life. I was wondering if you could elaborate on any skills that you feel you have that would help bring these groups together.

**Ms Morrow:** I'm a team player. I like to empower other people and have them make decisions. Sometimes you have to guide and sometimes they find their own way to decisions, but I am very much a team player.

I think one of the strengths that I bring is my listening skills. I quite often listen with my heart and my ears and my head. I like to see things made collectively. We don't always agree on things, but I think we can resolve issues without hurt feelings, without one person being wrong and the other being right. I'm a strong believer in that.

I think part of that comes from my background in working in an international hospital and having to pastor to people of all faiths and being very respectful of that and all individuals having their own beliefs. I think that has helped me in my relationships with working with people on boards, respecting where they come from and listening to them.

**Mr Waters:** I picked up the interfaith when you mentioned St Joseph's and the fact that Parry Sound is probably one of the very few communities of that size that has traditionally had two hospitals, a general hospital and indeed a Catholic hospital, and the fact that you're already working between both of those hospitals in your present position. I wish you well, and don't feel too intimidated by us. We're people like everyone else in the province.

**Mr Hope:** Some of us are. There are some exceptions.

**The Chair:** Randy, you were so good this morning.

**Mr Waters:** Don't be overly intimidated by my colleagues across the way.

**Ms Morrow:** No, I won't. I promise.

**Mr Waters:** Just relax and enjoy the atmosphere.

**The Chair:** Mr Curling and Mr Callahan.

**Mr Curling:** Go ahead, Bob.

**Mr Callahan:** First of all, I want to congratulate you for coming before this committee, applying for a position that doesn't provide any type of emolument. All you get is your expenses. I think that's indicative of the good people of this province, and you're to be commended for it.

I guess I have only one question and I hope you'll take it in the vein it's asked. When an applicant has come before us, if I've felt that there was some possible conflict, I've had to raise it. I somewhat have to raise it with you and I hope you'll forgive me and not think there's any undermining reason for it.

**Ms Morrow:** Go right ahead.

**Mr Callahan:** I notice that you presently deal with your own faith community where you are dealing with



seniors. I guess my question is, obviously in that capacity you would have seniors in your own faith organization who might require admission to a facility of this type. In addition to that, I'm sure there are seniors from other areas of the community as well.

Would you find any difficulty in terms of not being so caught up in your own community—I hope you can appreciate this is a very difficult question to ask and I'm certainly not accusing you of it, but it's one of those things that I have to ask—that you might concentrate on your own community in terms of available beds? In all communities, these facilities are certainly not sufficient to look after all of our seniors and there are waiting lists. Would you have any difficulty in sort of putting aside your other hat in the aged community—

**Ms Morrow:** No.

**Mr Callahan:** No. Okay.

**Ms Morrow:** No, I don't.

**Mr Callahan:** I accept that, but you understand I have to ask that question because it becomes very—I wish you the best of luck and again I congratulate you for coming before this committee. It's always a refreshing thing to find someone coming here looking for a position that really is, I guess, in line with your whole background rather than for per diems.

**Mr Curling:** I too want to commend you for offering your service here. It's a very, very important role you will be playing.

Recently, as long as the last nine months, I'm extremely concerned about the way the bureaucrats actually are handling some of the people who are running senior citizens' homes. I have seen situations where people are almost pushed out of the homes that they're running. I'd like to see a better system set up, in the way that those people who are proprietors or running the senior citizens' homes are treated with more respect, because I tell you, people like yourself who are on the board, people who are running those homes are very dedicated people and have so many bureaucrats at their doors, from the fire marshal to social workers and everyone who is knocking on their doors. I have been dealing with quite a few—some have lost their investment, over \$1 million—on all of these situations.

1420

The reason I raise that is because as you sit on the board and as you assess, and some of these things may come about, you could take a look at some of the proprietors and those who are running it so they can be treated fairly too. They themselves, in respect, are trying to treat the residents in a very fair manner, but at their heels all the time are these other bureaucrats who are just demanding so much of them, sometimes unnecessarily. I'm giving a speech here in a way, a speech of appeal that, while you are on the board, these things are looked at. If you want to comment on that, that's fine.

**Ms Morrow:** Well, it was quite a speech.

**Mr Daigeler:** He's a politician.

**Mr Curling:** Am I? I got elected. You don't have to comment really if you don't want to.

**Ms Morrow:** No, I'd like to comment, because I think one of the strengths I bring to working on the board is the ability to listen to all sides, understanding that everybody has their own problems, and then how do we deal with it. We deal with it as a collective agency, not one person making decisions but as a collective body.

Yes, there are all sorts of wolves at the door. I can only comment that I'd love to take you up there and show you this place because it is absolutely beautiful. The patients are happy or the residents are happy. We have a marvellous staff. You can walk down the halls and they call you by name. They're not afraid, "Oh, here comes the boss." They're there greeting you. I know some of the board members and they're delightful people to work with.

**Mr Curling:** I have no doubt at all that those who are conducting and running those homes are very dedicated people. I say this in guarded terms, but there are some wonderful bureaucrats. But there are some other bureaucrats who somehow make the job for them to serve just more difficult, and I'd like to see some fairness on all sides. I'm just saying this because it may not be happening here, but if it should happen, one should feel free to approach your member of Parliament, whoever he is, to say that these things are happening.

**Ms Morrow:** No problem.

**The Chair:** You have four minutes left.

**Mr Curling:** That's fine. I just wanted to wish her all the best, and don't give it back to Bob.

**The Chair:** We'll move to Mr Jackson and then Mr McLean.

**Mr Jackson:** Diane, welcome. We've met before.

**Ms Morrow:** Yes. Well, I am from your area originally.

**Mr Jackson:** It's a loss to the city of Burlington, believe me.

**Mr Waters:** Your loss is our gain in central Ontario.

**Mr Jackson:** Just to put a fine point, to relieve you of the first question you received from Mr Callahan, the placement coordination services are not done by the home. That's done by the MSA, or will be, so you don't get into the differentiation. However, you are familiar with the political controversy of faith communities and how they're treated in terms of chronic care placement and extended care situations. That was rather controversial and the word is still not back on that.

I wanted to focus my questions with respect to the issues around how you feel about the range of housing availability for our aging seniors in any given jurisdiction, and in this case we'll be talking about the Muskoka-Parry Sound area. Placement can occur to a home for the aged, and as you know, 150 years ago these were our original poorhouses. The funding mechanism and the user fee, for want of another phrase, is handled differently in a home for the aged than it is for someone with the exact same set of circumstances who is in a nursing home or in a retirement home or in any of these other kinds of rest and retirement homes that don't fall under the Nursing Homes Act.



I'm looking for elements of need for cooperation among those three or four different types of accommodation arrangements in a given jurisdiction and how the home for the aged would interact within an MSA with the other agencies, because there's going to be a finite amount of program money available, depending on which classification of bed you have within a region.

**Ms Morrow:** Just let me come back at you here. You're asking me how the home is going to interact with the other agencies in the area. I don't anticipate too many problems. I am already working with some of those people in different areas, especially the palliative care, and I find them extremely easy to get along with and very open-minded and very caring people. They want to do the best they can for who we're trying to look after. I am sure there will probably be problems in the future, but those we have to meet when we meet them and deal with them at that point.

**Mr Jackson:** Some of your funding base is municipal or local.

**Ms Morrow:** Yes, it is.

**Mr Jackson:** Which distinguishes you from the other bed classifications that respond to this cohort of seniors. Right now, in this coming decade, there's growing concern that regional governments or municipal governments that contribute part of the cost are putting more and more pressure on this form of accommodation, different kinds of pressures than, say, nursing homes, which just recently got a huge boost from the injection of increased user fees by the current government. That is not the case in a home for the aged. They're financially structured differently and they didn't get this huge injection of user fees which the current government imposed on residents of nursing homes. How do you see the relationship between your work as an advocate for the facility while at the same time dealing with the politicians locally who have a major determinant on your budget outcome? After all, you are a provincial appointee and these are other municipal appointees on your board.

**Ms Morrow:** I'm very happy with the municipal contribution to the home because it means that the community itself is involved in it and involved with the caring, the facility, and sitting on the board. I think it gives them an idea of both sides of the picture. I don't think I can comment on what one got and the other didn't get. I don't have enough knowledge to give you an answer on that but I think it's marvellous that the municipalities are involved in this system because they'll work hard for it, then.

**Mr Jackson:** One last question, if I could, with respect to various models across Canada: Recently, in Ontario, they've been exploring the need to regionalize support services under an MSA. It makes limited sense to continue with independent boards of directors for varying kinds of facilities that provide similar services to similar seniors, and therefore, there are some discussions now floating around the province about disbanding this additional tier of boards in favour of having homes for the aged more directly accountable to the MSAs. Do you have any comment on that?

**Ms Morrow:** I think that each place will still need a

body that will be governing—it'll sort of be like your regional government—because there are still things concerning that particular home that those people will be responsible for. If you make it too big and too much of an umbrella, then some of the little things are going to be forgotten and neglected. So I feel that you still need that board.

1430

**Mr McLean:** I want to elaborate a little bit on the very last question with regard to multiservice agencies. How familiar are you with the multiservice agency and have you had any input into the organization in the Parry Sound area?

**Ms Morrow:** No, I have not. I have had no input. I'm not all that familiar with it. My niece is a director with Waterloo county in the social work department. I'm not familiar enough to really comment intelligently. I'm sorry.

**Mr McLean:** Have you any idea how many nursing homes or homes for the aged there are in the catchment area of Parry Sound west?

**Ms Morrow:** As far as I know, it's just the one, the Belvedere, and St Joseph's for the nursing of chronic care.

**Mr McLean:** They probably wouldn't consider putting a head office in Parry Sound for the multiservice agencies if there's only one nursing home there and the home for the aged. They may be coming out of Sudbury.

**Ms Morrow:** It's possible.

**Mr McLean:** I know the one in Barrie covers down as far as Newmarket and north to pretty near Bracebridge, I believe. I've got to tell you, the calls that have come into my office since the multiservice agency has been appointed, the people are not overly enthused with the system, the direction that is given to people when the doctors and the people in the hospitals apply to be placed in a home. I've had more complaints since this has been set up than I ever had on the system before. So I was just concerned about how familiar you were with the new program the Minister of Health has in the works. Obviously, you're not very familiar with it.

**Ms Morrow:** No, but I have a lot of reading material to catch up on.

**Mr McLean:** What do you feel with regard to the long-term care? What is your approach to that?

**Ms Morrow:** Long-term care is that we always keep in mind that they have a future. It's not the end of the road, there's still a future, and I think we have to remember that. I can only relate it back to, if you went into a hospital room and somebody was terminally ill and you were afraid to say, "How are you," you don't be afraid to say that, because they haven't died yet.

**Mr McLean:** Do you think the Ministry of Health should be putting more emphasis on staying in their home? I've talked to the health unit in Barrie, which is responsible for the home care program. They feel that the ministry is cutting back. There's \$300,000 less going into the county funding to help keep people in their homes, and I'm wondering how we're going to expand that program when the ministry is cutting back. What is your



observation with regard to the home care program?

**Ms Morrow:** I still feel if a person can be kept in their home it's better for that person, because they are in surroundings that are familiar to them. You take that person out of their home and put them in a home and they start losing dignity, they start losing freedom of choice, they're told when they're going to eat their meals, and you start losing all these freedoms. So it's better if they can be kept in the home, and I suppose that's one of the reasons why we've started a palliative care volunteer service in west Parry Sound, to try and prevent that and give these people the dignity that they deserve.

**The Chair:** Thank you very much, Ms Morrow, for your appearance before the committee this afternoon.

JOANNE DE LAURENTIIS

Review of intended appointment, selected by government party: Joanne De Laurentiis, intended appointee as member, Ontario Casino Corp.

**The Chair:** Our next appointment is Ms Joanne De Laurentiis. Welcome to the committee, Ms De Laurentiis.

**Ms Joanne De Laurentiis:** Thank you.

**The Chair:** This is an intended appointment as a member of the Ontario Casino Corp. We had some other appointees yesterday to the same corporation, so you're not alone before the committee this week. This is also a selection by the government party, and we'll start with Mr Hope.

**Mr Hope:** I'm going to start off with one of the basic questions, because I looked. From 1978 to 1985 you were in government and it says "minister." I take it that back then it was the Conservatives in power. I'm just wondering if you belong to any political party.

**Ms De Laurentiis:** Yes, I worked for a minister in the Tory government for those years and I was a member of the party.

**Mr Hope:** Are you currently a member of the party?

**Ms De Laurentiis:** I am, yes.

**Mr Hope:** With the background that you have, and I've looked over your résumé, what knowledge or what perspective do you believe you will be bringing to the Ontario Casino Corp?

**Ms De Laurentiis:** As a board member, my interest is going to be in making sure that the staff have the management systems in place and the procedures in place that will achieve the objectives and the mandate that the corporation has been set by the government.

**Mr Hope:** Everybody thinks gambling has just all of a sudden been fabricated in the province of Ontario. For years, gambling has been here. Whether you peel it or scratch it or whatever you do to it, it's here and it's been in our province and is a significant part of it.

We, for the first time, have established funds that will help those with a gambling addiction. As one who will sit on the Ontario Casino Corp, let's say, for instance, and I use a hypothetical situation, that the addiction aspect has gone beyond its realm. As a person who sits on the Ontario Casino Corp, do you feel that you will contribute to or add to the addiction aspect of controlling the addiction, or what programs would you as a member try

to put in place to protect the public and try to make sure that the corporation is the corporate citizen?

**Ms De Laurentiis:** I couldn't be very specific about the programs that should be put in place, but I think the mandate is really clear for the corporation, and that is that it needs to balance the business interests, the economic benefits that a particular community of the province will get, with the social benefits.

Clearly, if on the social side there is a clear indication that there are problems developing, then I think it will be incumbent upon the corporation, the staff and the board, to look at the problem and look at the kinds of solutions that have to be put in place, be it that gambling has gotten out of hand and addiction has got out of hand or policing interests or whatever. I think it's very clear that the corporation will have a role to play in rebalancing the problem, as it were.

**Mr Hope:** I'm curious about your opinion dealing with revenue-sharing, the sharing of the moneys that are made from the casinos, whether it's the one or maybe in future more than one, for those communities receiving special benefits; you know, the conversations that are going on in Windsor right now about Windsor wanting more money out of the corporation. I was just wondering your perspective of that and your opinion.

**Ms De Laurentiis:** It seems clear that a policy decision has been made by the government that if the government is going to run the business, the profits will be used to benefit the whole province. That seems a reasonable policy decision to have made, to me. I guess as a board member there may be petitions or information or pleas around that issue, and certainly we'll be interested to hear the arguments, but on the face of it, it seems like a reasonable policy decision to have made that the government runs the business and will use the proceeds to spend to benefit the citizens of the province.

**Mr Marchese:** The mandate of the corporation is "to enhance the economic development of certain regions," "to generate revenues for the province," and the third point is "to ensure that any measures undertaken in accordance with the above principles are undertaken for the public good and in the public interest."

That's why we do things, on the whole; it's for the public good and the public interest. Many worry about whether or not casinos generate, other than wealth, different kinds of problems, and whether we can contain them. Is that a concern of yours? Do you think we can achieve generation of revenues while at the same time making sure that we don't cause the kind of problems that some people say are caused in other jurisdictions?

**Ms De Laurentiis:** Yes, I think that's absolutely the kind of balance one should be achieving. In reading the interim report that was done by Ernst and Young of the Windsor casino, it demonstrates there that an awful of care was taken in order to ensure that this balance takes place. I think it goes without saying, especially when a business is run by government, that if you can't achieve that kind of balance, you'd better not be in the business.

1440

**Mr Marchese:** I'm assuming that's the kind of



balance you will want to ensure indeed happens as a board member.

**Ms De Laurentiis:** Yes, I think that's very clear in the mandate and that's what I would want to work towards.

**Mr Marchese:** One of the four options that they looked at in terms of who should own it, how to manage it and how to operate it has been an issue for many people, and there were four types of arrangements that were looked at. The one we chose was a 100% government-owned but privately operated casino, as opposed to a 100% government-owned-and-operated casino, such as the Manitoba one, or a joint venture in which the government would enter into a partnership with a private operator and operate the casino jointly. Do you have views on that? Do you think we've done the right thing?

**Ms De Laurentiis:** I don't have a personal view. Again, in reading the analysis that was done, and looking at the structure that has been put in place, it looks reasonable, it looks like it can work. I guess only time will tell whether that was the right option.

**Mr Marchese:** Do you by any chance understand the difference between the Gaming Control Commission and the Ontario Casino Corp?

**Ms De Laurentiis:** I wouldn't claim to understand it a little bit, but I think yes, generally I have a sense that the gaming commission has the policing role, the regulatory role, and the corporation and the board of the corporation have the interest of running the business.

**Mr Marchese:** Do you think that was a useful thing to have done?

**Ms De Laurentiis:** Yes. I don't think I'd be interested in being on the policing side personally. It's always useful to separate those who are carrying the big stick and those who are making the business decisions. It makes a lot of sense.

**Mr Daigeler:** Thank you for appearing before the committee here. Could you just tell me, first of all, are you based here in Toronto or in Ottawa?

**Ms De Laurentiis:** I'm here in Toronto, yes.

**Mr Daigeler:** Is the national office here in Toronto then?

**Ms De Laurentiis:** It is.

**Mr Daigeler:** Interesting. I'm wondering, how did you become interested in this position? Did someone approach you or did you see it advertised somewhere, or what was the process?

**Ms De Laurentiis:** I was approached by the minister's office and asked whether I would be interested, and my answer was yes.

**Mr Daigeler:** I'm wondering, did you check with your employers? I presume that given the significance of the income that's related to this corporation, there's a fair amount of work to be done. Even though I understand it's a part-time position, you have a pretty senior position within the Canadian Bankers Association. Do you think you'll be able to juggle the two? In particular, how does your employer feel about this?

**Ms De Laurentiis:** I should tell you that I'm not with

the Canadian Bankers Association at this point. You may have an older CV. I'm now with the Interac Association. Yes, I definitely checked with my board. It's part of our bylaws, in fact, to check with the board and with my chairman, and they felt they didn't have any problem with my serving on this board.

**Mr Hope:** Sorry for the interruption, but the CV is out and you said you're currently employed with whom?

**Ms De Laurentiis:** Interac Association.

**Mr Callahan:** They're the people who take your money out of your account, aren't they, with a card?

**Ms De Laurentiis:** No, they're the people who let you take your money out of your account.

**Mr Callahan:** Oh, that's right, yes.

**The Chair:** Mr Daigeler, are you finished?

**Mr Daigeler:** I guess that kind of eliminates my last question because I did see a possible, even though somewhat remote, conflict of interest in a bankers' representative being on the casino corporation. The Interac perhaps is a little bit less.

*Interjection.*

**Mr Daigeler:** That's what worries me. That's precisely the point.

**Mr Callahan:** Actually, I want to follow up on that. The Interac allows you to go to the bank machine—and there are bank machines in the Windsor casino—and simply take money out of your account and use it at the tables. So there is a very direct conflict, or it could be a conflict.

**Ms De Laurentiis:** Interac doesn't own the automated teller machines.

**Mr Callahan:** I appreciate that, but the point is that you work for a company that is involved with these cards that now allow us to buy our groceries and have the money taken directly out of our accounts. Well, if you carry that into the casino, I believe the Windsor casino has a bank machine where someone could use their Interac card to get cash out to be able to use it at the tables in the casino. It would seem to me that there's a very direct and clear conflict between your present job and being on this board. I would think you'd be constantly declaring conflict.

**Ms De Laurentiis:** Interac, though, is a switch. It has absolutely nothing to do with the operation of the machines themselves, the teller machines. Those are owned and operated by individual financial institutions.

**Mr Callahan:** I appreciate that but they're used—

**Ms De Laurentiis:** But the contract between, say—and I don't know whether there are machines actually in the Windsor casino or which institution.

**Mr Callahan:** Trust me, there are.

**Ms De Laurentiis:** Okay, so there are. But whatever institution has that contract, it will be between the bank or the credit union or the trust company that will provide those teller machines and the casino corporation, and they will have a contractual relationship which is a business relationship between the two of them and over which the Interac association would have absolutely no say whatsoever.



ever.

**Mr Callahan:** Yes, but it's my understanding that Interac receives a fee every time you use direct withdrawal from your bank account. There is in fact a financial advantage to the Interac card being used as opposed to, say, your Visa or MasterCard where you're not charged a transaction fee.

**Mr Hope:** Less of a fee.

**Ms De Laurentiis:** No, but the fee is not—

**Mr Callahan:** There is no fee for—

**Ms De Laurentiis:** No, Interac does not charge a fee to the customer. You do pay a fee, depending on the account you may have, to your financial institution. So Interac is a piece of software that connects that teller machine. If you are using that teller machine and it wasn't of your financial institution, then it allows that machine to talk to your financial institution, and the fee that is charged by Interac is a switch fee, just like when you pick up your telephone and you—

**Mr Callahan:** I won't debate with you about it, because I never use it. I don't give banks any more money than I have to.

The second question is, you said you were approached by the minister's office. Who in the minister's office approached you?

**Ms De Laurentiis:** The minister's assistant gave me a call.

**Mr Callahan:** His executive assistant?

**Ms De Laurentiis:** I'm not sure if it was her. I don't remember his title. I'm sorry.

**Mr Callahan:** It was the minister as opposed to the deputy minister.

**Ms De Laurentiis:** No, it was not the minister.

**Mr Callahan:** Sorry?

**Ms De Laurentiis:** It was the minister's office.

**Mr Callahan:** It was somebody in the minister's office.

**Ms De Laurentiis:** Yes.

**Mr Callahan:** All right. You understand that part of your responsibility on this board is to ensure terms of profitability but at the same time high-quality products and services. I visited the Windsor casino as an experiment and I can tell you their slot machines are the pits. I didn't see too many people winning. So what I'd like to know is—

**Mr Jackson:** He's got workers' comp with an arthritic elbow.

**Mr Callahan:** What I'd like to know is, you're going to be in charge, I would presume, of regulating the payoff on these machines. You go to places like Las Vegas or Atlantic City and they say 95% of payoff. I haven't seen anything like that through the Windsor casino. Have you looked into that at all?

**Mr Jackson:** Stop giving her ideas, Bob. She's from a bank. You can bet she's figured it out.

**Ms De Laurentiis:** I should write that down. No, I really don't have any answer for that. I haven't got an opinion. I really don't know.

**Mr Callahan:** I gather you're going to keep your full-time job.

**Ms De Laurentiis:** Yes.

**Mr Callahan:** And your company is going to allow you to participate in the meetings, which might not necessarily be in Toronto. They might be in any one of the municipalities, because as you know, not only are you in charge of Windsor but you are charged with the responsibility of going all over the province to create these places. You won't have any difficulty doing that?

**Ms De Laurentiis:** No.

1450

**Mr Callahan:** Finally, I guess, you understand that the city of Windsor gets absolutely no money, no dollar money—they'll claim there are jobs and all the rest, which there are—from the casino operation, and yet the first nations casino that's being proposed will get all of the profits plowed back into the first nations. Do you subscribe to that or do you feel that that's unfair in terms of Windsor or any other future casino?

**Ms De Laurentiis:** The way I understand the revenue sharing is that Windsor certainly gets a whole lot of indirect benefits, job creation and so on, and the profits and the taxes that are collected from the casino are used then by the government for programs to benefit the entire province. As I understand the first nations side, the same principle will apply, that the revenues that will come from the casino operation will also be shared among the first nations. It seems like a reasonable principle to me. As far as I'm concerned, it's a policy decision of the government, and the decision has been made. I think, as a board member, I would respect that decision.

**Mr Callahan:** You're not prepared to recommend anything other than that as a board member?

**Ms De Laurentiis:** Certainly not at this point.

**Mr McLean:** Welcome to the committee. I only have a couple of questions for you. Do you look forward to the fact that there are going to be more casinos established in Ontario in the near future, or do you think the one now will be all that's done besides the first nations one? They were looking at Niagara Falls or Sault Ste Marie. Is that in the works?

**Ms De Laurentiis:** I don't know that any are in the works, but in looking at the report, the initial assessment that's been done of the Windsor experiment, it seems to be a very successful one. I certainly look forward to working with municipalities to expand the program, yes. As to where that will be, I don't know.

**Mr McLean:** I guess it will be a government decision anyway; it won't be part of your jurisdiction.

**Ms De Laurentiis:** Absolutely.

**Mr McLean:** But I'm wondering if we shouldn't be looking at some impact studies with regard to the ones that we have now, how it has impacted the community and the surrounding area, such as, what impact has there been on Chatham, so to speak, with regard to Windsor? Has there been a major influx or has there not? I'd like to see something like that done with regard to the casino going in the first nations just out of Orillia. What impact



is it going to have on the Nevada tickets, on the bingos, on all gaming that's going on now for smaller communities that need these revenues for sports, fitness or whatever they do? I'd like to find out if that has affected those small bingos and other gaming that goes on in Windsor.

**Ms De Laurentiis:** I think that's an interesting perspective. As I understand it, that is going to be, or is, part of the plan, that there would be an assessment of the impact of the casino more broadly, not just the economic benefits but also on the social issues and so on. I agree with you; I think that you want to have a pretty clear picture of what that impact is before you move to open up a whole bunch of other casinos.

**Mr McLean:** Thank you for appearing before the committee. I wish you well.

**The Chair:** Thank you. Mr Jackson.

**Mr Jackson:** No, I'm very pleased with the applicant, thank you.

**The Chair:** Thank you very much for your appearance this afternoon before the committee, Ms De Laurentiis.

We had put the subcommittee report in at this point, so I think we'll proceed with the subcommittee report because our next interview person isn't here. In any case, I wouldn't expect them to be 40 minutes early. The clerk is handing out the copy of the subcommittee report.

#### SUBCOMMITTEE REPORT

**Mr McLean:** Madam Chair, I missed one of the picks that I wanted this morning. I know that Mr Curling had picked it, but I would like to say that I'd like to give up one of the ones that I picked in order to add another half-hour on to the one that Mr Curling has picked, if I could.

**The Chair:** Which one are you willing to forgo?

**Mr McLean:** One of the ones that was previously on my schedule that was left over. The clerk will know which one it is that I wanted.

**The Chair:** If it's from one previously, is it Mary-Woo Sims?

**Mr McLean:** That was already my one that I was going to forgo if it wasn't—

**Clerk of the Committee (Ms Lynn Mellor):** Yes, she was identified as your alternate.

**Mr McLean:** That's right.

**The Chair:** Okay, so you're willing to forgo your alternate and give that time slot to the selection of—

**Mr McLean:** Nazru Deen, the Race Relations and Police Monitoring and Audit Board.

**Clerk of the Committee:** That was from which certificate?

**Mr McLean:** That was from February 9, on page 3 of 3.

**The Chair:** Are there any other questions?

**Mr Hope:** Yes, I'd like to follow what you're talking about.

**The Chair:** All right, I'll explain it, Mr Hope. You're now dealing with the report of the subcommittee. Mr Waters, Mr McLean and Mr Curling dealt with the

subcommittee report today, and I know, Mr Marchese, you're familiar with that process. They each made their selections and they each had five or six selections to choose for the March meeting and there was no disagreement on any of the selections by any of the three caucuses, so this is a unanimous report. Mr McLean is now asking that one of his intended appointments for review, Mary-Woo Sims—

**Mr McLean:** She was one who was left over from the previous one.

**The Chair:** She had been selected in February and there was difficulty in scheduling her, so Mr McLean is saying that he's happy to let her appointment go forward now and he will apply that half-hour to the other selection made by Mr Curling, that of Mr Nazru Deen.

**Clerk of the Committee:** Just a moment. I have one clarification to make. That does not leave you with an alternate. It leaves you with—

**Mr McLean:** The one up above that can be the alternate, one of the two who were on there previously.

**Clerk of the Committee:** So Ms McKellar would be the alternate.

**Mr McLean:** Right.

**The Chair:** Are there any other questions on this report?

**Mr Hope:** So we'll have an hour dealing with one individual?

**The Chair:** Yes. We sometimes do that.

**Mr Hope:** Do you? I'm just asking.

**The Chair:** No, Randy, it's fine and I understand you asking. It's a fair question. We sometimes decide to have an hour with—

**Mr Hope:** Can we make sure Mr Callahan is not here for the full hour? I mean, it'll be a long one.

**Mr Callahan:** I won't be. Don't worry about it.

**The Chair:** Anyway, is that report being moved by Mr Marchese?

**Clerk of the Committee:** I just want to clarify this. It's item 5 on page 3 of the subcommittee report. So that would be altering the official opposition's change to represent one hour rather than one half-hour.

**The Chair:** Since these selections were made by Mr Curling, would somebody from the Liberal Party agree—

**Mr Callahan:** We agree with them.

**The Chair:** Mr Callahan is agreeing on behalf of the Liberal caucus to an hour for Mr Nazru Deen. No further questions. Mr Hope, would you like to move this report, now that Mr Marchese is out of the room temporarily?

**Mr Hope:** I'd be more than happy to move the report.

**The Chair:** All in favour of the subcommittee report? Thank you.

**Mr Callahan:** Madam Chair—

**The Chair:** Just one second, till we see what the next—

**Mr Waters:** We dealt with the other thing yesterday.

**The Chair:** Oh yes, we did.

**Clerk of the Committee:** Except that that is now



changed, because Ms Mary Anne McKellar in item 1 would now be Mr—

**The Chair:** No. This only applies to Engelmann and Wilson.

**Clerk of the Committee:** Oh, I'm sorry. Yes, we did.

**The Chair:** You're right. Thank you. We've dealt with item B.

1500

#### ONTARIO HUMAN RIGHTS COMMISSION

**Mr Callahan:** Seeing as how our next applicant's not here, I would like to thank research for a document that was dropped on your desk.

**The Chair:** Would you clarify what the information was?

**Mr Callahan:** When we were interviewing an applicant for a position on the Ontario Human Rights Commission, who was I believe from Toronto, I also inquired about the chair, who I understand is either from Toronto or from British Columbia, I'm not sure which, and I referred to the fact that in our research, the policy outlined by the Ontario Human Rights Commission was to spread the—what are the words I have to use here? I should take them out of the report: "Commissioners are generally chosen to reflect the diverse nature of Ontario's geography, occupations and population composition. They should have strong interest" etc.

Madam Chair, the difficulty I have is that in looking at the ones that have been provided in the additional research, Anne Cox is from Thunder Bay—no problem, lovely area; Alberto Di Giovanni is from Toronto; Aida Graff is from Toronto; Baljinder Singh Sidhu is from Toronto; Elizabeth Hung Sorfleet is from Ottawa; and then we have the chairman, who is either from British Columbia or Toronto, I'm not sure which, but I hardly see that that reflects what I'm led to believe by the research officer is taken from—the policy manual, is it?

**The Chair:** Mr Callahan, I'm sorry to interrupt you, but in fairness, you have only read the names that are on the front of this sheet, and if you're reading into the record the makeup of the current commission, you need to read the second page.

**Mr Callahan:** Yes, why don't I go to the second page as well. We've got Rosemary Brown, who is the chair. Her location is indicated as Toronto, but I understand she lives in British Columbia. We have Alok Mukherjee, who is from Toronto, although I think Alok—that name sounds very familiar. I think he's from Brampton, but they've got Toronto. Louis Lenkinski is from Toronto; Carmen Paquette is from Vanier; Gaetane Pharand is from Sudbury; St Clair Wharton is from Oakville—

**The Chair:** No.

**Mr Callahan:** I'm sorry. My eyes are not working well. Islington, yes.

**The Chair:** Islington, which is Toronto.

**Mr Callahan:** I presume that's Toronto. Robert J. Milbourne is from Oakville; Richard Miles is from Thunder Bay; Ida Dejesus is from Toronto; and Thomas Warner is from Toronto.

I hate to say it, but if this is meeting with the require-

ments, as stated, "Commissioners are generally chosen to reflect the diverse nature of Ontario's geography," I fail to see—

**Mr Hope:** On a point of order, Madam Chair: How can we make a comment when there are currently five for whom we don't know the geographic location.

**The Chair:** Excuse me. In fairness to you, Mr Hope, for the first five on the front, Mr Yeager now has the information where they're from.

**Mr Hope:** Okay. Can somebody share that with us?

**The Chair:** Yes.

**Mr Callahan:** I thought I did.

**The Chair:** Mr Callahan did just—

**Mr Hope:** Some of us don't always listen, Mr Callahan. Sorry.

**The Chair:** Then let me read it into the record for you.

**Mr Hope:** I'd sooner get it from a credible source, the Chair especially.

**Mr Callahan:** Do you want to say that outside?

**The Chair:** Anne Cox is from Thunder Bay; Alberto Di Giovanni is from Toronto; Aida Graff is Toronto; Elizabeth Hung Sorfleet is Ottawa; and Baljinder Singh Sidhu is from Toronto.

**Mr Callahan:** Madam Chair, I have no problem with—

**The Chair:** Just a second: Was that too fast, because I did go pretty quickly.

**Mr Hope:** No.

**The Chair:** That was additional information Mr Yeager has just received since he brought this back after lunch today.

*Interjection.*

**The Chair:** We'll let Mr Callahan finish, and then I'll come to you, Mr Waters.

**Mr White:** On a point of clarification, Madam Chair: When we say "Toronto," my understanding is you're referring really to the greater Toronto area, larger than just the city of Toronto.

**The Chair:** I would suggest that this information coming from the OHRC would be using Toronto as its mailing address, so as to that detail, I can't answer it for you.

**Mr Callahan:** Can I guess, Madam Chair, that if they refer to Mr Wharton as being from Islington, the rest of them are from the city of Toronto, as opposed to Metropolitan Toronto? I think that's a fair assumption.

**The Chair:** Islington may be the mailing address. That's right, Islington is a mailing address still.

**Mr Callahan:** I want to be clear that I have nothing against the city of Toronto, obviously, but before you vote, and perhaps what I'm saying will not be accepted by the government members because they may have their marching orders already, I don't know, I would certainly want you to look at the requirements and if we are to in fact fulfil those requirements, we're getting a little top-heavy. You might want to consider that at the time you



make your vote today, whether or not another Toronto person should be allowed.

Certainly, I don't comment on the quality of the applicant. I thought he knew what he was talking about, but you may want to try to meet the diverse nature of Ontario's geography a little better. That's all I have to say.

I take particularly significant umbrage at the fact that—perhaps I should ask for a little more information as to whether or not Rosemary Brown is still in Toronto, or whether she's commuting back and forth between here and British Columbia. If she's commuting back and forth, I'd like to have some idea of how we're meeting the diverse nature of Ontario's geography in that particular appointment.

**The Chair:** The only way that we could answer that question is if the committee were to write and ask the minister or Ms Brown herself where her permanent residence is.

**Mr Callahan:** Do you need a motion for that, Madam Chair?

**The Chair:** Yes, we do.

**Mr Callahan:** I would so move, because I think it's important to determine the issue of the diverse nature of Ontario's geography and perhaps even the expense, if that's what she's doing, back and forth. I'd like to know what the cost of that is to the taxpayers of this province.

**Mr Waters:** I'd like to point out, though, for Mr Callahan, just to let him know, that when you look at page 2, Mr Lenkinski is on page 2 already from Toronto and he is moving now, I believe, to the vice-chair, which was a Toronto position, right?

**The Chair:** Correct.

**Mr Waters:** Okay, so indeed, in that case, you're swapping a person from Toronto; they're taking another Toronto position. My assumption is that the additions would be filling some of these vacancies or these people whose term has run out that are dated February 1994 and February 1995. So indeed, not all of the people who appear on page 2 are necessarily—and I would like Mr Yeager, if he could, to clarify that. Are these additions to what's on page 2 or are some of the page 2 people now being, their term is up and these are their replacements? I'm just curious.

**The Chair:** Some of them actually expired a year ago.

**Mr Waters:** Yes.

**Mr Lewis Yeager:** In calling the Human Rights Commission, we were able to learn—of course, the vice-chair you interviewed this morning; the previous vice-chair, Alok Mukherjee, is no longer there. The only other change that we were able to ascertain was Carmen Paquette of Vanier is no longer a member, so she is replaced by one of the new members. The others appear to be new members in addition to those who are there. So it's only the previous vice-chair and Carmen Paquette who are no longer there on the page 2 chart.

**Mr Waters:** So indeed, out of five selections, two of them are from outside Toronto.

**Mr Yeager:** Yes.

**Mr Waters:** In the additions.

**Mr Yeager:** And Baljinder Singh Sidhu was described to me as being either from Toronto or Mississauga. They were a little unsure.

**Mr Waters:** But the greater Toronto area.

**Mr Yeager:** Yes.

**Mr Waters:** I agree in some ways with Mr Callahan. I don't see me changing my vote today necessarily, but it may be of use for the committee to remind the ministry or the Human Rights Commission that when it's searching for these people, indeed it look at the diversity of the province and not the diversity of its large metropolitan areas. I think that's what you're getting at, Mr Callahan.

1510

**Mr Callahan:** Very much so. If I could respond to that, it's not the Human Rights Commission that—

**The Chair:** Excuse me just a second.

**Mr Waters:** Indeed the appointments secretariat is probably the correct place.

**The Chair:** Let's just go in order. Have you finished, Mr Waters?

**Mr Waters:** All I'm saying, and then I'll finish, is that it might be worth our while to remind, I would say, three groups: the ministry that's involved, the appointments secretariat and the commission. I think that will cover the concerns Mr Callahan has that we should be looking not only at the diversity of the large metropolitan areas within the province but indeed the diversity of the province, and in the future could they please start looking at broadening their horizons.

As far as the appointment today, I am going to be supporting that appointment. Mr Lenkinski has been there as a member since 1987. He was appointed by a previous government. He's been there long enough. Obviously you want somebody as the vice-chair who has knowledge of how the system works and what's going on. So I will be supporting that particular appointment.

**Mr Hope:** I don't want to get into a lengthy debate over the geographic aspect of it. I just did a rough calculation from the information provided to me which says that six members are from Toronto and six members are from outside of Toronto. Geographically, did we cover southwestern Ontario? We covered the north, we covered the east and we didn't cover the southwest. I guess I have a hard time understanding the arguments. We would all like a perfect world, but getting people from southwestern Ontario to put their names forward, to make application to sit on the commission—not everybody is out there wanting to be on these boards, agencies and commissions.

I'm having a hard time understanding the debate, but as far as my vote, I'll continue to support the candidate who was put forward. I would sooner promote from the inner members to a vice-chair than to have somebody as vice-chair who has no knowledge or experience of what's been going on for the last years in that commission. I'll continue to support the recommendation put forward when the voting time comes, but if we're looking at



geographic arguments, if I look at the members, there are six members from Toronto and six members from outside. It just so happens that the vice-chair happens to be from Toronto. So be it.

**The Chair:** I have a question on the expiry of these people a year ago. In other words, according to this list, on page 2, there are four that expired a year ago.

**Mr Curling:** That's right, and—

**The Chair:** Excuse me just a second, Mr Curling. This is just a technical question, Dan, and I'm looking at you. Do you think those four people—

**Mr Hope:** The question should be to Lewis, to get more factual information. We should be provided with an updated list. I was doing some scratching of names and I'm saying somebody's got to provide me with an updated list.

**The Chair:** I think the committee needs to know whether those four people have just continued sitting, in which case if they did expire a year ago, then Mr Lenkinski's appointment today is a reappointment, but he's also being appointed as the vice-chair. I don't know whether you want to know that or need to know it.

**Mr Waters:** Madam Chair, seeing as how you were looking at myself, if you look at the source, it's the book, and the book was published about a year ago. It was published in the spring, I believe, the agencies, boards and commissions book that's in libraries. So indeed these people could have been reappointed for another term. The top four that show February 1994, they may have been reappointed, but there are times when that does not happen. I've seen that in the book at different times when it has gone on.

**The Chair:** Mr Yeager would have to go and ask that question and come back to us either today or at the next meeting.

**Mr Yeager:** If I could add one thing, we have contacted the commission today, and of the names that are listed on the table, only two were not presently on the commission. That was Louis Lenkinski, who will become the vice-chair if approved, and Carmen Paquette, who is one of that group of four. So I would suspect that the remaining ones were reappointed and as a reappointment they probably would not appear on the lists that you see.

I can confirm that, but I have already confirmed today that this list is up to date, with the exceptions of the names on the first page. So you do know all of the members who are currently on there, according to the Human Rights Commission, and it is only the ones who have an expired tenure who may be questionable, but I suspect that the case is that Carmen Paquette has left and the remainder have been reappointed and you just have not seen them because of the process that's in place.

**Mr Curling:** My time now, Madam Chair?

**The Chair:** Yes, I think Mr Hope's finished.

**Mr Curling:** He should be. Well, thanks very much.

First, let me ask Mr Yeager this then. You're saying that the cost of the process, that's an expiration date of February 18, 1994. It's a year ago and this information we have, it's not up to date. It's quite possibly because

they're reappointed, we wouldn't be informed?

**Mr Yeager:** Perhaps the clerk can advise you better, but I believe that it's only new appointments that appear on the sheets that come before you to be selected for review. That's all I'm saying, that it wouldn't be obvious to this committee if somebody were reappointed, because through the natural course of events, reappointments don't appear on the sheets that you choose from. That's just my understanding. I don't mean it to be—

**The Chair:** Oh, no, excuse me. If there were a reappointment I think it would be listed in all the information that we get.

**Clerk of the Committee:** No.

**Mr Waters:** No, it isn't, Madam Chair.

**Mr Curling:** This is so farcical.

**Mr Waters:** We only deal with new appointments. We do not deal with reappointments.

**The Chair:** Oh.

**Mr Waters:** That's part of the standing orders.

**Mr Curling:** Could I please finish? Thank you. The fact is then that if we sit in this committee and find out that some of the information—because it's important to know when we are appointing someone on a committee that we know the composition of the committee, how many people are valid or invalid and we are saying here now that maybe they're reappointed. The other question I wanted to ask Mr Yeager or the clerk is, do we deal with reappointments?

**Clerk of the Committee:** We deal only with new appointments or the case of a person who has been on a board and is being promoted, like, for example, a regular member being promoted to a vice-chair.

**The Chair:** In fairness to your question, Mr Curling, it is reasonable for you to say that the committee should have updated information when we're dealing with any appointments and today we are dealing with an appointment to the Ontario Human Rights Commission and we should have had updated information about who currently sits on the commission.

**Mr Curling:** Yes, thanks. That's one of my questions. The part that we should know though, that the vice-chair position, which is a new position really—

**The Chair:** No.

**Mr Curling:** Let me just finish. It was created to give Mr Mukherjee a job.

**The Chair:** Lenkinski.

**Mr Curling:** No, a job when they gave it to Rosemary Brown, so let's face that. He was the acting chair for the Human Rights Commission and when they brought in Rosemary Brown, they didn't want to dump him, so they gave him this created position called "vice-chair." I then asked, at that time when she was being appointed, what is the role of the vice-chair. We never did get a proper definition of what the vice-chair does; that is the point.

I think the point that Mr Callahan was speaking to is a very important one. It seems to me this government talked the talk but can't walk the walk. The fact is about



employment equity. Within this system here, that the person is being promoted, the job must be advertised. The gentleman before us today stated emphatically that he didn't apply for the job, somebody asked him to do it, he was in the right place at the right time and he gave us a résumé that was 1984 and didn't even include that he worked in this.

1520

It is such a farce, you see, that we sit here and decide to assess an individual, if the person is competent to even move up in the hierarchy, and then ask me now to interview this individual and to vote on this. It's very, very bad that this individual is being promoted and the fact is that you are then saying, "I know it's wrong," like Mr Waters said, "but I'm going to endorse this one and next time around I'll do something different."

**The Chair:** From the Chair, in fairness, Mr Curling, Mr Waters has not said that.

**Mr Curling:** He said he understands the position.

**Mr Marchese:** Let's move on.

**Mr Curling:** Do you have a problem with this? You just walked in a minute ago. Are you bored?

**Mr Marchese:** Yes.

**Mr Curling:** Now my point I want to make—

**The Chair:** Is your point that there has only been one vice-chair so far? Is that the point that you're making?

**Mr Curling:** No, no. I'm just saying that the point I'm trying to make is that here is a position not only that there is one vice-chair, but the fact even in the promotional aspect of it, that it was done in the wrong way. We are going to vote on these things although the process was so wrong. It flies in the face of employment equity—how one promotes within a system. And here he's appointed as a chair. If he was being reappointed at this time, it seems to me then the four that you have identified, one, two, three, four people you identify, that expired February 18, 1994, have not been reappointed, I don't know, because if Mr Lenkinski has just been reappointed now, I want to know if he was reappointed and now been promoted. Do we know that?

**The Chair:** Oh, I see what your question is. The thing is, because we are not informed of reappointments, in order to answer your question we have to ask Mr Yeager to phone the OHRC to get that answer, because certainly I don't have the answer as the Chair. If Mr Lenkinski was reappointed—his appointment expired on February 18 last year. If he was reappointed, he is currently a member.

**Mr Curling:** That's right.

**The Chair:** The question you're asking is, was he reappointed and now he's being promoted, and in order to know if he was reappointed Mr Yeager will have to phone the commission to find that out.

**Mr Curling:** Yes. Because, just to explain that, we are promoting someone who's not a member.

**The Chair:** Well, we don't know that.

**Mr Curling:** If he's not reappointed.

**The Chair:** That's right.

**Mr Curling:** Good. So how can we vote on it? I think we cannot vote on it. How can you promote someone in your company who is not a member?

**Mr Marchese:** Lewis is going to find out, okay, Alvin?

**The Chair:** Okay. Anyway, the motion on the floor at the moment isn't dealing with a motion to approve Mr Lenkinski yet at this point.

**Mr Callahan:** Let's get back to that.

**The Chair:** So we will get back to Mr Callahan's motion, which reads as follows. It's something similar to this:

"Mr Callahan moves that the Chair of the committee write to the minister and to Chief Commissioner Rosemary Brown to determine where is her principal place of residence. If it is outside of the province, is the cost for commuting borne by the province and, if so, what is that amount?"

**Mr Callahan:** Could I speak to that just briefly?

**The Chair:** Did we have it correct?

**Mr Callahan:** That's close enough. That's the thrust of it. The concern I have, and I have no axe to grind for Miss Brown or any of these other people, but in the requirements that we have been given by research, it says, "Commissioners"—particularly for the Ontario Human Rights Commission; I think that's critical because they're dealing with the rights of the people of this province—"are generally chosen to reflect the diverse nature of Ontario's geography."

What I'd like to know is, why do we select the chairman, who was a British Columbia resident and, I might add, a former MLA in the NDP government out there? Why do we select somebody from Quebec to come here? My colleague—

**The Chair:** Ms Brown was a federal member of Parliament.

**Mr Callahan:** All right, federal member of Parliament.

**Mr Curling:** No, she wasn't.

**Mr Callahan:** No, she was an MLA.

We also had, I'm told by my good friend Mr Curling, an appointee from Quebec. Now, if we're not even respecting the geography of Ontario by reaching outside its borders to bring people in, in addition to that, it would appear from the appointments that are being recommended by the Premier's office that we're not even respecting the geography of Ontario in terms of location. I represent Brampton South, you represent a Mississauga riding, you represent Orillia and so on. Don't you think the people in our communities have human rights that are abused or have something to offer to the Ontario Human Rights Commission? I find that this makes this whole thing sort of smack of political—what's the word I'm looking for?—magic, opportunism, that this committee really is just here not to review appointments, but to review people who have already been appointed.

If that's the case, why are we wasting the taxpayers' dollars by even having this committee continue to sit? It's a waste of money to the citizens of this province when



we're in deficit financing to the tune of a \$10-billion deficit, probably more this year. Why are we here? I'm surprised. I really find it interesting that the press can just say, "Mr Mulroney was terrible in what he did: political patronage; Mr Chrétien is terrible in what he's doing," but they didn't set up this hocus-pocus of a committee to sit and supposedly give the imprimatur to these appointees.

**Mr Marchese:** They just do it.

**Mr Callahan:** They did it. That's right.

**Mr Marchese:** In the dark.

**Mr Callahan:** And they were prepared to take the heat.

*Interjections.*

**The Chair:** Mr Callahan has the floor.

**Mr Callahan:** They were prepared to take the heat of doing it, which is fair game—

**Mr Marchese:** But we know what they're doing.

**Mr Callahan:** —but what does the Premier of this province do? He sets up this legislative committee to supposedly review the appointments to the boards and commissions of this province, and we're finding out now that this is just a total sham. Where's the press? Why don't the press get out here and start complaining—

**Mr Marchese:** I want to do it the way the Liberals do it.

**Mr Callahan:** —about the New Democratic Party and how they do this stuff? Don't you feel guilty sitting over there and voting the party line every time? As I said yesterday—

**Mr Marchese:** I want to do it the way the Liberals do it.

**The Chair:** Mr Marchese.

**Mr Callahan:** —what really disturbs me is the fact that there are never the same faces of the New Democratic Party sitting in this committee.

**Mr White:** How do you know? You're never here.

**The Chair:** Mr White.

**Mr Callahan:** In the morning you've got a particular number of people; in the afternoon you've got a different set of people. How can you vote intelligently, even if this was not a sham, on whether you'd vote for someone or not without hearing their presentation, without reading their material? You float in and out like a bunch of—

*Interjections.*

**Mr Callahan:** But surely to heaven the press—and if they're listening, get your butts down here. Start reporting the stuff that's important in this province. This is adding to our deficit, this sham, and I think it's an affront to the people who come before this committee. It's absolutely outrageous that this government says, "We're going to set up a committee so we can look into the fairness of doing this." Balderdash. It's bunk, and this is costing the taxpayers big bucks to play this game and to endorse what the white knight, who's going to call an election very shortly, is saying: "This is the way we do it in the province of Ontario."

I'll tell you something. His office is not even living up to reflecting the diverse nature of Ontario's geography in terms of Brampton, in terms of Mississauga, in terms of Thunder Bay, in terms of Sault Ste Marie, in terms of Orillia, in terms of Burlington.

Even beyond that; he goes beyond it. He goes and he appoints people who are defeated in the NDP government in British Columbia and brings them here to be chairman of the committee, and I found out today from my good friend Mr Curling that in fact Mr Mukherjee, who was the chairman, was required to step down to let Rosemary Brown have the position and they created the position of vice-chairman.

That is really up to your armpits in the oink-oink bucks. That's piggery to its highest extent.

I have great problems, and I want to get to some of this information. I know how you guys are going to vote. You're going to vote in favour of all the appointments today. If you can do that in the face of what's just been learned from our research department and what's been said by members here, well, then, let me tell you this whole thing is just a mockery.

Perhaps we should report to the public why we're being paid to sit here and to rubber-stamp the decisions that are being made by your government. At least be up front, say, "Well, we're going to appoint them because they're good people, they're NDP, they're Conservative, who cares." That's what we did when we were in government.

1530

**Mr White:** Oh, oh.

**Mr Callahan:** Well, we did. We appointed probably more NDP appointments than we did Liberal appointments when we were in government.

**Mr McLean:** On a point of privilege, Madam Chair.

**The Chair:** Mr McLean, on a point of order.

**Mr McLean:** The other person we're supposed to interview is here. Perhaps we could continue with this dialogue after we're done interviewing. Let's get on with it.

**The Chair:** As a matter of fact, I'm going to take the prerogative of the Chair, which is to set aside dealing with this motion at this point, because I have two other speakers, and I think, in fairness, when one speaker has spoken for five minutes—

**Mr Marchese:** For 10, 15.

**The Chair:** —we should allow other speakers on the matter.

**Mr Marchese:** This is true.

**The Chair:** However, to be a courteous committee, I would like us now to return to the review of the appointments. We will come back to this motion immediately after we've dealt with this appointment.

**Mr Waters:** Maybe we could deal with it next time. What's the schedule?

**The Chair:** It came up as a matter of business in the order of business. We will now continue with the review of the appointments.



## INTENDED APPOINTMENTS

(continued)

## LYNN LIGHTFOOT

Review of intended appointment, selected by official opposition party: Lynn Lightfoot, intended appointee as member, Gaming Control Commission.

**The Chair:** Ms Lynn Lightfoot, would you like to come forward, please, and make yourself comfortable.

**Mr Curling:** I want to welcome you to the committee.

*Interjections.*

**The Chair:** I think we could return to being polite gentlemen and complete the afternoon in a civil, courteous way. Thank you.

**Mr Curling:** Basically, those individuals who come before us, some are so well qualified that we take the opportunity of picking their brains, in a sense. Sometimes what sneaks out is the frustration that we have with the process. If there's any twinkle of anger in my tone, it has nothing to do with you but with the way these things are conducted.

Could you tell me a bit about why you would want to serve on a board like this.

**Ms Lynn Lightfoot:** Perhaps I could start, Mr Curling, by indicating that I was initially approached and asked if I would be interested in serving on the Gaming Control Commission. I would like it stated for the record that I did not contact the government about this appointment, because I frankly was not aware of the existence of the commission. Rather, I believe that the appointments office had accessed my curriculum vitae as a consequence of my having been previously appointed to the Kingston, Frontenac and Lennox and Addington District Health Council and then subsequently to the Ontario Criminal Code Review Board. As I understand it, my curriculum vitae was available in the data bank. I believe I was approached because of my interest and expertise in the areas of addictive behaviours and forensic psychology.

Initially, I quite frankly must tell you, I wasn't sure whether I was interested in serving on the Gaming Control Commission, because I was not very aware of what its activities would include. It was only after careful consideration of what possible role I might play on the commission that I decided to let my name go forward.

I believe that as a psychologist the role I could play would be to serve as one source of information or opinion or viewpoint to the commission about the impact of particular decisions it might make, particular regulatory decisions, in terms of risk to individuals and to society. I think that's probably one of the key roles that I can play. Perhaps I'll leave it there and let you ask further questions.

**Mr Curling:** As a matter of fact, you approached the second question I was going to ask you, because I understand too, from the composition of the board, it's a diverse professional ability that comes to the board and your professional ability would help tremendously in some of the concerns that people have in the community.

You talk about addictions in regard to gambling. Do

you have concerns that as the government, whatever the government, is moving into gambling, so to speak, it is of great concern to the community, or do you see that more people will be more or less attached or will become addicted to this kind of behaviour of gaming or gambling? Do you have that concern, that there's going to be an increase of—I don't want to call them clients—individuals who may be more or less associated in this respect, gravitate to this?

**Ms Lightfoot:** Quite the contrary, Mr Curling. I in fact believe that one of the benefits of having the new legislation, the control act, is that it will perhaps provide for more regulation of the industry and, depending upon what kinds of decisions are struck, perhaps can over the long term reduce the incidence of problem and pathological gambling.

**Mr Curling:** That's very interesting, because I took the other view, maybe because I tried gambling and I lost so many times and I'm attached to go on to do it. You've stated that legislation would help those who would be addicted or who are prone to be addicted to it because we have regulations.

**Ms Lightfoot:** Yes.

**Mr Curling:** Do you feel, then, having regulations and having some control of what happens, that a greater enforcement of the law would have to be in place so that it is not carried away and that some more support services are there to help those who have become addicted to this? Do you think that we do enough? I think I'm asking quite a few questions here; just answer any one. Do you think we're doing enough about addiction in regard to gambling in this province?

**Ms Lightfoot:** I'm aware that there are a number of initiatives that have been undertaken. I'm aware of initiatives that the Ministry of Health has undertaken in terms of developing an expanded expertise in people working in addictions agencies across the province that will enable them to deal with people with pathological or compulsive gambling problems. I think that decision was made in anticipation that perhaps more people might be identified and referred on for assistance as a consequence of the amount of regulation that will be associated within the terms of the new legislation.

**Mr Curling:** Do you feel that location plays a very important role, where gambling takes place? Is that very important or doesn't it really matter because of legislation?

**Ms Lightfoot:** I'm not sure I thoroughly appreciate your question. Perhaps you could expand on it.

**Mr Curling:** Let me put it this way, then: I presume there are areas where we put all kinds of business and we are quite selective in where we put our business. Even in the business of bars you make sure they're not around an area where the family is and the drinking is not being so accessible to the young. I'm just saying that in terms of gambling situations or events, does it play an important role in regard to people where we put those locations, or doesn't it really matter where they're located or is it only on an economic basis that it's assessed?

**Ms Lightfoot:** I certainly wouldn't profess to have a



great deal of expertise in terms of the economic impacts of the distribution of gaming. In terms of the impact for communities, I think that is something that both the gaming commission and municipalities are going to have to carefully consider. As part of their deliberations, I'm sure they're going to be looking at the experiences in other jurisdictions and trying to make decisions which will reduce any potential risks to individuals or to the community as much as they possibly can.

1540

**Mr Curling:** I don't know how relevant this is and I don't know if you can answer this one, but the non-profit organizations are concerned that as the government gets more and more into the gaming business—they are saying that's one of the main sources that they get money from, voluntary groups putting on their bingos and what have you, and feel that as government gets into it more, they are being deprived of their resources. Do you see this as a concern to the non-profit groups?

**Ms Lightfoot:** I certainly think it's a significant issue. I think that charities perform a very significant and important role in our society and that they depend on the income from gaming events to support their activities. As the commission deliberates, I'm sure that one of the major concerns they are going to constantly revisit is how to protect the interests of all parties, including the charitable gaming.

**Mr Curling:** I want to wish you well in your appointment, and thank you very much for responding to my questions.

**Ms Lightfoot:** You're welcome, sir.

**Mr McLean:** Welcome to the committee, Lynn. I'm interested in your background because I'm curious if you know what has happened with regard to Windsor. Is there somebody in that area who works in the addiction foundation who monitors what's going on in that casino or what's going on within the community that you're aware of?

**Ms Lightfoot:** When you say within the foundation, do you mean within the Addiction Research Foundation?

**Mr McLean:** In Windsor, yes.

**Ms Lightfoot:** My understanding currently is that the community offices of the Addiction Research Foundation, of which I'm no longer an employee—I know it appears on my résumé, but I want people to be clear that I have not worked for them for four years—do take an active interest in monitoring, both in a casual way and in terms of feedback and input that they receive from the community about new developments in their communities, and also at a more scientific level through surveys and other activities that they're involved in. I couldn't comment on what their current knowledge is. I'm not apprised of that.

**Mr McLean:** Are you aware of any research that's been done from the Montreal casino or the Manitoba casino? Are there any statistics available that you're aware of that have been done in those areas where we've had casinos for some time?

**Ms Lightfoot:** I'm aware of some research. There is a Montreal-based researcher who has been looking at

those individuals who frequent gaming establishments and trying to identify which individuals are at risk of developing problems. I think one of the limitations to current research is that it is so new, on the one hand, and that there are great differences in the patterns of gambling that we observe in people who engage in different forms of gaming.

I think in terms of understanding gaming and gambling behaviour, we're in the very early days. I am aware of some researchers, but I would say that the state of our knowledge is very rudimentary at this point.

**Mr McLean:** Are there any statistics with regard to even people who go to play bingo or use Nevada tickets? Are there any statistics on those people who continually go night after night, or three times a week, to a bingo hall, who are consistently doing it because they can't stop?

**Ms Lightfoot:** We know that if you look at national estimates the figures are that something like 7% to 10% of the adult population may develop a compulsive pattern of gaming at some point in their life. How that breaks down for different forms of gaming activity, I'm not aware of specific studies which have looked at that.

**Mr McLean:** Well, I'm glad to see you're appointed to the board. With your background, I think it will be an advantage. Congratulations.

**Ms Lightfoot:** Thank you.

**Mr White:** Thank you very much for coming down to join us. There were a couple of things I wanted to bring up with you. I'm very impressed with your résumé and your CV, your four to five pages of articles and books that you've published, mostly in the fields, of course, of behavioural problems and of substance abuse. I'm familiar very much with the Addiction Research Foundation. One of your colleagues is a very close friend of mine who has gone from Durham region out to BC. Not everyone comes from BC to Ontario.

**Ms Lightfoot:** Mr Finlay.

**Mr White:** Indeed, yes.

I think it's exemplary that someone like yourself will be able to inform the commission with your experience. There are a couple of things. First off, the Addiction Research Foundation, while it's a research foundation and it has those community wings that deal with helping people with substance abuse, does not itself have a position of advocating total abstinence from the use of substances such as alcohol. That's my understanding.

**Ms Lightfoot:** That's my understanding as well.

**Mr White:** Rather it helps people to deal with what is already a regulated substance. So in some ways your experience there is excellent here, because you're talking about dealing with difficult situations, with potential substance abuse, finding ways of regulating that behaviour within the community.

**Ms Lightfoot:** Yes, I would agree.

**Mr White:** Could you comment a little bit about the difference between what would be in my mind an addictive behaviour, a compulsive behaviour, and the abuse of substances?



**Ms Lightfoot:** You may be sorry you asked that question, because I could bore you for hours with my thoughts on that. I believe there are probably more similarities than there are differences. I think that as we understand it now, the mechanism whereby people become involved in compulsive behaviour patterns is very similar across the addictive behaviours. Certainly there are differences when the behaviour in question involves ingestion of a substance, because the kinds of physiological changes that occur are different.

However, any activity which results in a major physiological change—and most activities where there is some element of excitement or arousal, such as gaming, themselves become capable of creating a physiological change through the behaviour itself, rather than through the ingestion of any outside substance. So in many regards I think the similarities far exceed the differences.

**Mr White:** So in terms of treatment of compulsive gambling, it makes sense to use the same kind of treatment technologies, or similar treatment technologies, as exist in terms of substance abuse.

**Ms Lightfoot:** I would agree with that. I would also go further and say that I think we can look even further than treatment. We are gaining I think a great deal of knowledge about which kinds of activities we can engage in that will help to prevent the development of problems and to identify people very early on in the development of a compulsive behaviour, and I would say that is something that all wings of government would want to work collaboratively to try and do within the whole area of gaming.

**Mr White:** Thank you very much. I think you'll probably offer a great insight to that commission and I really commend the government for making that appointment.

**Ms Lightfoot:** Thank you, Mr White.

**Mr Marchese:** Ms Lightfoot, you've raised some questions about insights that we're gleaning around prevention.

**Ms Lightfoot:** Yes.

**Mr Marchese:** Could you give some examples of what we're learning that is very useful for us all to hear about?

**Ms Lightfoot:** I would say that we've gained an increasing understanding that some of the precursors of addictive behaviour have to do with the way in which individuals are socialized and the skills they develop early in their lives, and that some of the primary prevention programs that are now in place for other addictive disorders, including alcohol and drug abuse, can I think very logically be extended to include gaming kinds of behaviours, because what we're essentially attempting to do in those primary prevention programs is inoculate younger people against the effects that they may experience when they start to engage in one of these behaviours, in order to prevent the development of problems. So I think there are many similarities that can inform us in this area of gaming, if we look at the experience we've acquired in other addictive behaviours.

1550

**Mr Marchese:** Would you say, as a comment, is it

inconsistent to at once have a casino or create one and at the same time provide money to have people keep the habit of going to casinos or gambling in general?

**Ms Lightfoot:** I don't see it as inconsistent because I think whether or not we create a casino, people are going to engage in gaming behaviour. It's something that people have always done. Many people, in fact the majority of people, engage in that behaviour without negative consequences. I think as a society what we want to do is maximize the benefits to our society in terms of economic development opportunities and so on that gaming can provide, yet at the same time minimizing the damage, through prevention and early identification, in that small proportion of people who might develop a problem.

**The Chair:** Any further questions? All right, thank you very much, Ms Lightfoot, for your appearance before the committee this afternoon.

**Ms Lightfoot:** You're very welcome, and thank you for the questions.

**The Chair:** Mr Callahan, you had just completed speaking and, Mr Marchese, I have you down to speak to Mr Callahan's—

**Mr Marchese:** Oh, Madam Chair, I'm tired of the discussion. I've been exhausted by it. I have nothing more to say.

**The Chair:** All right, and the other speaker who was on the list was Mr McLean.

**Mr Marchese:** He's gone. He was exhausted and he left.

**The Chair:** All right, so the motion is on the floor, moved by Mr Callahan.

**Mr Callahan:** This is going to be a close one, I'll bet.

**The Chair:** All in favour?

**Mr Marchese:** Madam Chair, for the benefit of those who didn't hear the motion, could you read that out again, please?

**The Chair:** Yes, certainly, I could read it again. This is a test, Mr Marchese.

**Mr Marchese:** Yes.

**The Chair:** Mr Callahan moved that the Chair write to the minister and Chief Commissioner Rosemary Brown of the Ontario Human Rights Commission to determine where is her principal place of residence. If it is outside of the province, is the cost of commuting borne by the province and, if so, what is that amount?

**Mr Callahan:** A recorded vote, please, Madam Chair.

**The Chair:** All in favour of that motion?

**Ayes**

Callahan, Curling, Daigeler, Hope, Malkowski, Marchese, Rizzo, Waters, White.

**Mr Callahan:** Are we all in favour?

**Mr Waters:** Yes, that's why we were wondering why the big kerfuffle from you people.

**The Chair:** That motion is carried unanimously.

*Interjections.*

**The Chair:** Excuse me, Mr Hope has the floor.



**Mr Hope:** It really puzzles me that we went through a great big dramatic theatrical speech that Mr Callahan gives and we were ready to support it. He talks about efficiency, he talks about rubber-stamping; if he'd just talk about and understand what's coming from this side, he'd probably speak a little better.

**The Chair:** We do have another motion. Mr Curling and Mr Marchese, we have yet to approve today's appointments.

**Mr Curling:** Oh yes.

**Mr Marchese:** I move concurrence of all the appointments.

**The Chair:** Mr Marchese is moving the appointments.

**Mr Callahan:** Madam Chair, individually, please.

**The Chair:** The first motion by Mr Marchese is to approve the appointment of Mr Louis Lenkinski as the vice-chair of the Ontario Human Rights Commission. All in favour of that motion? Opposed, if any? Mr Daigeler, you have to vote.

**Mr Daigeler:** In favour.

**The Chair:** You're in favour. That motion is carried.

Mr Marchese moves the appointment of Mr Myron Humeniuk as a member of the Environmental Assessment Board. All in favour of that motion? Opposed, if any? That motion is carried.

Mr Marchese moves the appointment of Mr Michael Bay as the chair of the Consent and Capacity Review Board. All in favour of that motion? Opposed, if any? That motion is carried unanimously.

Mr Marchese moves the appointment of Farouk Muhammad as a member of the Ontario Film Development Corp. All in favour of that motion? That motion is carried unanimously.

Mr Marchese moves the appointment of Ms Diane Morrow as a member of the Board of Management for Homes for the Aged and Rest Homes—Parry Sound

West. All in favour of that motion? That motion is also carried unanimously.

Mr Marchese moves the appointment of Ms Joanne De Laurentiis as a member of the Ontario Casino Corp. All in favour of that motion? Opposed, if any? That motion is carried.

Mr Marchese moves the appointment of Ms Lynn Lightfoot as a member of the Gaming Control Commission. All in favour of that motion? That motion is also carried unanimously.

I would like to thank the members of the committee for their cooperation today. That's a record number of unanimous motions.

Before we adjourn, we asked Mr Yeager for some further information about the status of the members of the Ontario Human Rights Commission. I would like Mr Yeager to read that into the record since he now has that information for the committee.

**Mr Yeager:** I spoke with Lolita Phillips, the executive assistant to the chair of the Human Rights Commission. Mr Louis Lenkinski, whom you saw this morning, was reappointed until February 18, 1995. Gaetane Pharand and St Clair Wharton were both reappointed until February 18, 1997. So all of the members whose terms expired last year were reappointed. Those are the pieces of information you required.

**The Chair:** There were four that had expired.

**Mr Yeager:** Yes. Carmen Paquette has left, as was noted earlier today.

**The Chair:** There are no further questions on that information. Thank you for the information, Mr Yeager. Mr Hope's going to move adjournment of the committee.

**Mr Hope:** I move adjournment of the committee, Madam Chair.

**The Chair:** Thank you, Mr Hope.

*The committee adjourned at 1558.*



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## STANDING COMMITTEE ON GOVERNMENT AGENCIES

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  - Carter, Jenny (Peterborough ND)
  - Cleary, John C. (Cornwall L)
  - Crozier, Bruce (Essex South/-Sud L)
- \*Curling, Alvin (Scarborough North/-Nord L)
  - Frankford, Robert (Scarborough East/-Est ND)
  - Gigantes, Evelyn, (Ottawa Centre ND)
  - Harrington, Margaret H. (Niagara Falls ND)
  - Malkowski, Gary (York East/-Est ND)
- \*Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
  - Witmer, Elizabeth (Waterloo North/-Nord PC)

*\*In attendance / présents*

### **Substitutions present / Membres remplaçants présents:**

- Callahan, Robert V. (Brampton South/-Sud L) for Mr Cleary
- Daigeler, Hans (Nepean L) for Mr Crozier
- Fletcher, Derek (Guelph ND) for Mr Malkowski
- Hope, Randy R. (Chatham-Kent ND) for Ms Gigantes
- Jackson, Cameron (Burlington South/-Sud PC) for Mrs Witmer
- Marchese, Rosario (Fort York ND) for Ms Harrington
- Rizzo, Tony (Oakwood ND) for Ms Carter
- White, Drummond (Durham Centre ND) for Mr Frankford

**Clerk / Greffière:** Mellor, Lynn

**Staff / Personnel:** Yeager, Lewis, research officer, Legislative Research Service





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Third Intersession, 35th Parliament

**Assemblée législative  
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**Official Report  
of Debates  
(Hansard)**

Wednesday 15 March 1995

**Journal  
des débats  
(Hansard)**

Mercredi 15 mars 1995

**Standing committee on  
government agencies**

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Nominations prévues



Chair: Margaret Marland  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIES

Wednesday 15 March 1995

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Mercredi 15 mars 1995

*The committee met at 1003 in committee room 1.*

## INTENDED APPOINTMENTS

NAZRU DEEN

Review of intended appointment, selected by official opposition party: Nazru Deen, intended appointee as full-time chair, Police-Race Relations Monitoring Board.

**The Chair (Mrs Margaret Marland):** Good morning. We are reviewing intended appointments by the government to government agencies, boards and commissions.

The first interview this morning is Mr Nazru Deen. Welcome to the committee, Mr Deen. Please come forward and have a seat and make yourself comfortable.

**Mr Allan K. McLean (Simcoe East):** On a point of order, Madam Chair: I'd like to find out why we're not in room 151. This is such an important committee—we're dealing with government appointments—and that room is vacant. We think the people of the province should be able to see what we're doing, so why are we not in room 151?

**The Chair:** What we could do is ask the clerk if it's possible to move over at noon. I think we would all be more comfortable in there in terms of the temperature, primarily.

**Clerk of the Committee (Ms Lynn Mellor):** I'll see if we can get the staff in there to set up.

**The Chair:** We'll have the clerk make inquiries to see if we can move it for the afternoon session and tomorrow.

**Mr McLean:** Thank you. I'd be disappointed if it didn't happen.

**The Chair:** Thank you for the suggestion. This room, as we all know, was renovated, but the room temperature has certainly not improved with the renovation. I'm sorry, Mr Deen, for our little comfort discussion, but I assure you we would be more comfortable in the other room.

This selection was by the official opposition party. It is for an hour, so I'm going to suggest that we do 10-minute rotations through each caucus. We will start with Mr Curling for 10 minutes.

**Mr Alvin Curling (Scarborough North):** Thank you very much, Madam Chair. It's good to see you again and all the other members.

Welcome, Mr Deen, to this committee. It has become one of the most famous committees in the Legislature these days. As a matter of fact, it was always rather famous. First, our job is to make you comfortable and ask the appropriate questions.

You come to this committee with tremendous qualifications that have been respected in the community in the work you've been doing, but also you come to this job you've been recommended for with a tremendous amount of challenges too, with the impression of the police in our cities sometimes questionable, some rather honourable men and women who have carried out this job. Your job and the mandate before you is quite a challenge.

I want to ask you this question first: how you came to be asked or approached about this job, to be recommended for this appointment.

**Mr Nazru Deen:** Madam Chair, members of the committee, let me before I answer that question seek your indulgence in indicating that it is my pleasure and profound privilege to participate in this democratic exercise this morning.

**The Chair:** Excuse me, Mr Deen, we would like you to answer the questions. You're not launching into a speech?

**Mr Deen:** Not at all. I just wanted to preface my answer by expressing my pleasure at being here this morning.

**The Chair:** That's fine.

**Mr Curling:** I don't mind at all.

**Mr Deen:** I look forward to the opportunity of answering that question and many others.

I retired as a superintendent of education, Mr Curling, just over two years ago, and at that time I wanted to continue my involvement in the community. With that in mind, I submitted my résumé to the office of public appointments indicating my willingness to serve on any public bodies. I believed I had something to offer.

I also responded to an advertisement through the public appointments office for a then-advertised assistant deputy minister of education, specifically dealing with the issues of race relations. It was in that way that my background, my qualifications and my willingness to serve came to the attention of the public appointments office.

That particular competition for the assistant deputy minister of education was cancelled. I then asked for my résumé to remain in the public appointments office and be given consideration for any other possible public appointments. That's how I came to the attention of the public appointments process.

**Mr Curling:** I know also that the mandate of the board is to develop and revise any necessary race relations standards of audit of the police services. Do you see that as extremely necessary now, that an audit should be



done, and how often should an audit be done of the police services? Should it be annually? Should it be biannually? How often do you see this being done?

**Mr Deen:** I think it's important to look at guidelines or standards, but the frequency with which one monitors is something that should be discussed with the stakeholders.

What has impressed me during the course of the last many months when I've been travelling across the province consulting with community groups and with police is that there is already a tremendous number of initiatives being taken by police services and their communities across Ontario. One of the first things I see us doing is capturing that picture of what is already happening across Ontario and building on that, building standards and building tools and instruments for monitoring out of what is presently happening. I think we have a rich display, a rich plethora of meaningful initiatives between the police and the communities in this area.

1010

**Mr Curling:** How would you describe the relationship now between the police and the community? Would you say it is improving? Would you say it needs a lot of improvements? How would you describe that? From time to time the temperature either drops or increases. We know that the police have a very, very difficult job to do: to apprehend criminals but also to serve the community and to be seen as not intimidating to those who are not breaking the law.

But there are people within the community, especially different ethnic groups, who do not perceive the police as being friendly or who sometimes, as one member stated at one time, perceive the police as occupying forces. That hit the fan so hard; some of the press and some people were not comfortable with the expression.

Do you see that the relationship between the police and the community needs a lot more improvement, or is it in the direction of improving with those ethnic groups?

**Mr Deen:** I see the relationship as improving; I see the relationship as needing continuous improvement. But I definitely see signs right across the province of improving relations between the police and all segments of the community, including the racial minority groups.

**Mr Curling:** There was one thing in these notes the able Mr Pond gave us that jumped out at me. It said, "With his or her approval"—that is, the minister—"the board may also issue public reports periodically." Do you see it necessary that one has to seek the minister's approval, in a responsible job like you are going to take up as a full-time chair, that you must get the minister's approval in order to give out some public reports?

**Mr Deen:** I would hope, since this is an advisory body to the minister, that in fact two things will happen: that the board's advice will be taken seriously, and that the board in turn will both have the courtesy extended to it and the board will extend the courtesy to the minister to take responsible statements to the public, but that there would not be undue hindrance in the making of those public statements.

May I add that in fact I see some very real benefits. If

I can link this to your previous question about whether the relationship is improving between the police and the community, we tend to be guided by—and this is not an attack on the media—media statements describing that relationship, and by their very nature those statements tend to focus more frequently on conflict.

There is quietly, perhaps less noticeably, a tremendous amount of goodwill in the relationship between the police and various segments of the community that often does not get told. I see one of the essential functions of this monitoring board as reassuring the community, when there is news to reassure the community, of the kinds of meaningful relationships and initiatives that are happening. I hope that the public statements from the board will not be limited to shortcomings but in fact will place an equal emphasis on the exemplary practices that are happening when they're happening, and there are many of those that can be told now. So I hope there would not be undue hindrance from a minister in the board's being able to communicate to the public through public statements of that kind.

**Mr Curling:** My suspicion—is that 10 minutes already? I'm just getting into it, Madam Chair.

**The Chair:** That's your 10 minutes, but we will be coming back, for either you or Mr Daigeler, who is also on the list. Now we have Mr Runciman.

**Mr Robert W. Runciman (Leeds-Grenville):** Mr Deen, I'm curious about a couple of things. I'm not terribly familiar with this process, and I haven't seen this in the past. Maybe it isn't ground-breaking, but you're apparently on salary now, are you, with the government?

**Mr Deen:** Yes, I am.

**Mr Runciman:** And you have been for some time?

**Mr Deen:** Yes, I have been.

**Mr Runciman:** I'm just curious about the procedural question here, which perhaps someone can answer at another date, in respect to an appointee not yet being approved by the committee, subject to review, but being appointed in sort of an ad hoc fashion and going on salary prior to this committee having an opportunity to review the appointment. I think it's another indication of the rubber-stamp nature of this committee, Madam Chair, when the government is so arrogant that it moves ahead and makes this appointment. This is no reflection on you, sir. It's a commentary on the government's appointments process, whereby it's put you in place, put you on salary prior to this committee and the members of the Legislature having an opportunity to review your appointment. I simply wanted to put that on the record, Madam Chair.

You're talking, in this handout, about preparing an audit, a police-race relations audit. Can you describe for us what is an audit?

**Mr Deen:** I would indicate that in fact the board itself would not be preparing or undertaking any audits; the board will not be an auditing board. There is in the Ministry of the Solicitor General and Correctional Services now an equivalent body that exists for the OPP. In the ministry, there is an audit branch, a group called police services advisers.

**Mr Runciman:** Instead of all that, can you tell us



what—you're talking about a pilot testing of a race relations audit. What kind of form will this take? What kinds of issues will be dealt with?

**Mr Deen:** Through a variety of forms. There may be questionnaires, there may be opportunities for discussions with focus groups of police personnel, of community people, to find out—what an audit does is to determine the level at which implementation of an initiative is happening. There is a series of methodologies one can use to determine the extent to which that which you said you were going to do is in fact taking place.

**Mr Runciman:** How does this work in practical terms? I guess this is handed out by the secretariat, and it mentions the responsibilities of the chair: "Working with the race relations and policing unit in the development of audit and review instruments to determine the level of implementation of the race relations training and employment equity."

A two-parter here. Race relations training: What is that going to involve? How do you see that being structured? What kinds of time commitments are going to be required of police officers for this sort of process?

**Mr Deen:** Right now, there is the development of training for police recruits, a whole range of training, including the technical skills of policing, including the skills of human relations, of dealing with an increasingly diverse society, of dealing with victims of crime. Into that whole area of sensitivity of dealing with your clients is the question of dealing with racial, cultural differences, gender differences—

**Mr Runciman:** So you're going to develop this program for training purposes; it has not yet been developed?

**Mr Deen:** No. There is in fact training that has been developed. What the board would be doing, through the ministry's officials, will be determining the effectiveness of that training, what new training might be developed to better meet the needs of policing in an increasingly diverse society.

**Mr Runciman:** Okay. This is going to apply to every police service across the province?

**Mr Deen:** Yes.

**Mr Runciman:** Do you have any indication of what this is going to cost police services in terms of time and real dollars?

**Mr Deen:** I think most police services are undertaking that training now from within their existing budgets. I do not see that this is an add-on; it's an increased dimension to existing training for dealing with the public. I do not anticipate that this represents any significant additional cost in training.

1020

**Mr Runciman:** That's your view. I'd like to hear the view of others on that one.

Employment equity: This is the provincial Employment Equity Act that you're going to be reviewing, how it's working within the police services across the province. I know there's an argument on this, depending, I guess, on your political perspective—I'm not sure—about quotas.

How do you view this in terms of the act and your role? Are you talking about coming down, if you will, on police forces that are not meeting requirements under the act in terms of reflection of certain numbers of various groups within their communities?

**Mr Deen:** Let me begin by saying two things. One, employment equity in policing predates the recent employment equity legislation. In fact employment equity in policing was part of the Police Services Act of 1992, so in a sense the police are leading the way across this province in the implementation of employment equity by at least two years.

I mention that because I have had the opportunity of seeing the plans that have been developed by police services for the implementation of that legislation. They in fact are in the process of implementing their plans, so the monitoring of that has begun to see the extent to which police services have developed their plans. In fact the news there is that every single police service in Ontario has developed an employment equity plan and has begun to implement that plan. I don't think there is going to be a need to look at the sanction approach for this initiative because of the kind of leadership that has been exercised in police services right across this province.

**Mr Runciman:** You seem to be relatively pleased with what's happening in terms of race relations training and employment equity. Is this board something of a political window dressing? I mean, why is it required, other than former NDP leader Stephen Lewis recommending it? I'm wondering, why is it required? Why can't this function be carried out by the Ministry of the Solicitor General in house? Why do we have to have this new tax burden added to the rolls?

**Mr Deen:** Let me answer part of that question by saying that in fact initiatives have begun in all of these areas across the province. What the board, during a relatively short period of time, will be charged with doing is building on that momentum and getting—

**Mr Runciman:** "Building" is a good word.

**Mr Deen:** Yes, building on that momentum and getting local communities and their police services, in the spirit of community policing, looking at ways in which they enhance the relationships that have begun. I think that is a very useful role that this board can play and will play.

**Mr Runciman:** You made some comments, and I think maybe I misinterpreted them, that by and large you think relationships between various communities in the province and policing have been improving.

**Mr Deen:** Yes.

**Mr Runciman:** I just wonder how you view the recent furore—and there are some press clippings as well today—with respect to the Black Action Defence Committee and their concerns about the changes that have been announced last week, I guess by both the Attorney General and the Solicitor General. Do you think that's undermining the current climate?

**Mr Deen:** Improving relationships do not mean that there will be an absence of conflict. By the very nature of the human enterprise there'll be conflicts. I think



improving relationships will be evidenced when we can handle conflict without a total poisoning of the relationship. I don't see any difficulty in saying relationships are improving, and yet we have indication of a conflict or a number of conflicts.

**Mr Runciman:** There's a question in here about budget for this year, I think in this fiscal year about a quarter of a million dollars. What do you see when you're up and operating on a full-time basis as a total budget for the board?

**Mr Deen:** Not significantly beyond that. This is not a full-time board. The board staff will be restricted to two secretarial-type positions. The police partnerships to the board will be representatives from the associations who are contributing their time, and community members are going to be largely voluntary people who will be paid a small per diem in expenses. So the board will be one that will be very much a low-cost activity during the entire time of its existence.

**Mr Runciman:** You were \$254,400 for the past fiscal year, which is really not up and operating. I guess you don't have a proposed figure.

**Mr Deen:** Yes. The budget for the board in full operation will be, I think, about \$450,000.

**Mr Rosario Marchese (Fort York):** Mr Deen, I used to be a teacher a long time ago and then a trustee with the Toronto Board of Education for a long time, and we had in our policy books many wonderful recommendations until the Star did a report five, six years later and discovered that we hadn't implemented any. We had wonderful policies, and many bureaucracies, institutions have wonderful policies, but we seem to fail at the level of implementation and at the level of enforcement. There's a growing—not growing—but an ongoing resistance to change no matter where you go.

In your long experience as a superintendent—the educational field is one area where we do preventive work with children because young children are not racists, they become racists later on for a variety of different reasons—what have you learned that we could be doing better in our school system, that we could be doing better in our society in terms of making people anti-racist? Have you gleaned anything from those long years of experience as a teacher?

**Mr Deen:** I would hope so. It's been 35 years. You talked about many policies that have been written, but in fact one is not quite certain of the extent to which they've been implemented. I think I've been on both sides of that, and in the latter part of my career I've been on the writing side of those.

Public organizations of all kinds I think have failed to develop good mechanisms for monitoring and supporting implementation. There's a tendency to believe that once you write a set of guidelines or policies the job's done, and the job's barely begun when you've done that. If you've done it well, the job is still barely begun. What I see as absolutely necessary is developing meaningful mechanisms for monitoring and supporting implementation, and it is in fact the way this board has been couched to operate, to do just that.

Specifically on how does one go about doing it, I think you'll find in any initiative, and in a province as large and as diverse and as rich and as innovative as Ontario, in this field as in others you will find people trailblazing in virtually any initiative. The secret is to build on those trailblazers' exemplary practices, and in this particular field I have been encouraged to see the number of people of goodwill in the police services and in their communities who are doing creative things, who are doing meaningful things that we can recognize and build on, and that's happening in this very city.

**Mr Marchese:** Mr Deen, you paint a good picture sometimes of all the great initiatives, but I'm not as optimistic as you are, although I don't want to discredit the efforts that people are making in all these wonderful institutions of ours. But I think we need to support the initiatives that are there, I agree with you, although I'm not as sanguine about what really is going on.

I'm a strong supporter of training and whether that takes some time or a great deal of time in the police services board or in an educational system or in some other institution, it needs to happen. The problem with training, in my view, is that a lot of people do flip-chart training, and this is the formula for how you become anti-racist. Well, that's not the way it works.

**Mr Deen:** No.

**Mr Marchese:** Some training that is going on is, in my view, not so great. The problem with it, of course, is that whatever training we do, however good or bad, unless we have the senior establishment supporting what we do, then it doesn't matter. All the wonderful trainers you bring, white or black, won't mean a damned thing because what needs to happen is that the people within those institutions want a change because they recognize that there is racism and the people at the top have to commit themselves to a cultural change within the institution. If we don't have that, it's not going to work.

1030

**Mr Deen:** Exactly, and I think that training has to be offered at all levels. It is important to understand that the changes in society are changes that the chiefs of police, for example, have got to come to grips with, to understand in order that they are better informed and better able to support.

In fact there's been an excellent piece of work done by this ministry in the development of a police learning system which focuses, if you will, on education and training for police at all levels, for police personnel, civilian and uniformed, at all levels. It is important that one focuses on training, not just on recruits.

We are living in a society in which—I know this is a much-used phrase—education has to be a lifelong experience, it has to be a career-long experience, and that's the kind of approach to education and training that we have to build into the process.

**Ms Jenny Carter (Peterborough):** Mr Deen, we've talked about what needs to be done and what is being done, but I'm just wondering, how do the police in general feel about this? What's the level of knowledge and acceptance of the provincial race relations policy for



police services in Ontario? Are we kind of working against them, or are they in general with us on this?

**Mr Deen:** With reference to the level of acceptance for the race relations policy for police services in Ontario, I think virtually every police service has now formally adopted the provincial policy. A number of police services had a policy that was roughly similar to, and with minor adjustments, they have adopted the spirit at least of the provincial policy.

If I can link it to Mr Marchese's question, they would be the first to say that adoption of the policy doesn't mean to say that there is a change in behaviour at all levels. The police services themselves recognize and the local communities recognize that there's a lot of work to be done beyond the formal adoption of a policy statement.

That is where, I think, the monitoring function will be most useful, in regard to: What are we trying to do with reference to meeting the community in absolute fairness? What are the kinds of things we should be looking for if that's happening? To what extent are we finding those things? Where are we falling short? How can we build plans to close the gaps between where we should be and where we are? The whole monitoring exercise is ultimately a major cost-saving exercise because it focuses on effective implementation.

**Ms Carter:** But the will is there.

**Mr Deen:** And the will is there. I think the will is there at the police services and in their local communities, and where there has been some reluctance, the local communities are becoming active in, if you will, nudging movement to its effective implementation.

**Ms Carter:** Now, obviously yours is not the only board. There's the police complaints commission, the special investigations unit, the Ontario Civilian Commission on Police Services. How is this board different? What particular niche are you going to fill here?

**Mr Deen:** The other bodies to which you refer have a very useful function to play, but they play a role after an incident is alleged to have happened. There is a complaint, and it goes to the police complaints commission or the internal complaints process. This board in fact will not be complaint driven. This board will not be driven by after-the-fact issues. It is an ongoing support system in partnership between the police and their communities to ensure that effective implementation is happening, so that in that respect, the board will be a very low-profile activity but, I think, a very meaningful one.

Ultimately, the success of this partnership with the board—and this is, I think, another part of the relationship that's worth mentioning—the success of the relationship, the success of the effective implementation of these initiatives should mean a reduction in the number of incidents that have to go to the complaints route and so on.

**Ms Carter:** So it's a question of prevention being better than cure, which I think we find is valid in almost every field we look at.

**Mr Deen:** Absolutely.

**Ms Carter:** Do you think that police in general around the province are implementing employment equity fairly successfully?

**Mr Deen:** I'm very impressed. I know I sound Pollyannaish by saying this, but I'm impressed by the fact that all police services prepared a plan. I mean, we have right now, generally, because of our economic conditions and so on, a very reduced number of opportunities for hiring new staff. But even within those reduced numbers I think you will find that the spirit as well as the reality of the employment equity legislation for policing is being implemented. We will see with the first review of the implementation after two or three years the extent to which police services have succeeded in implementing this legislation, but the initial signs are very encouraging ones, and I think that needs to be recognized.

**The Chair:** Just before we start the second round, I wanted to ask the question which was raised by Mr Runciman about how this committee approves appointments vis-à-vis the discussion about Mr Deen already working and receiving a salary, I think you said, Mr Deen?

**Mr Deen:** May I just point out that I was engaged to carry out consultations to determine the terms of reference under which the board should operate. So the recommendation which led to the creation of the board required to be fleshed out, so to speak, in consultation with the police and the community stakeholders across Ontario.

My appointment to date has been to consult with the communities across Ontario and the police associations, the police stakeholders and government officials in order to make recommendations as to what the terms of reference of the board should be. Those are the terms under which I've been employed to this point in time.

**The Chair:** But you have been receiving remuneration for that appointment?

**Mr Deen:** Yes.

**The Chair:** I noticed on your CV, December 1993 to present date, you list yourself as being the chair designate, and I just wanted to answer Mr Runciman's question. Appointments are not approved until the Lieutenant Governor signs those appointments, and there are two ways that appointments are approved. First of all, all the appointments are made by the secretariat. All the appointments come to the committee. Those that are not selected for review by this committee are automatically appointed; those that are selected for review, and you are one of them, are not appointed until the report from this committee goes to the Lieutenant Governor for his signature. So in fact Mr Deen is not the chair until the committee moves the report at the end of today, to answer your question.

**Mr Runciman:** I appreciate that. No, it doesn't answer that. I wasn't asking a question; I was making a point.

**The Chair:** Okay. I'm sorry, I thought you were raising the question. I also thought, from Mr Deen's answer, that he was receiving remuneration as the chair,



which he isn't yet. So that was the reason I wanted to answer the question as well.

**Mr Runciman:** Doing the job without the title.

**The Chair:** All right, we're starting our next 10-minute round, and we start with Mr Daigeler.

**Mr Hans Daigeler (Nepean):** Welcome to Toronto, one of my constituents. It's a pleasure to be here. Normally, I'm not a member of the committee, and it's not because of you that I'm here today, although I'm pleased to see you here, but someone else wasn't able to come. So it's a happy coincidence to see somebody from my riding, frankly I think very well qualified, looking at your background.

From a public policy perspective, I think it's to be appreciated that you are putting forward your services. That is not to say that I necessarily agree with the establishment of the board itself and with the operation of this committee. The functioning of this committee, I think, leaves a lot to be desired. But be that as it may, that's not your bailiwick.

1040

You answered a little bit as to what you've been doing up to now. You were appointed as chair designate, I guess, more than a year ago, and you're telling me that you've been going around consulting people. I have a bit of a problem with the very need for this provincial board. You indicated that there are quite a few police services that have their policies in place. I know that in the Ottawa area the police services do have various committees—race relations boards set up. Whether they are fully successful—you said yourself, I think, these things you have to measure in steps.

Is there really a need for a province-wide body such as yours? Why do we have to have that when it's already happening at the local level? Isn't that duplication, even though there may not be a major expenditure? But certainly I'm not convinced of the need to have such a province-wide board, and perhaps you can convince me.

**Mr Deen:** I indicated that the policies have been developed or been adopted. I've indicated that some implementation has begun. But lest I convey the wrong impression, I think we have only just begun to implement the necessary initiatives to bring about the kind of effective policing in an increasingly diverse society. We know that our society is becoming increasingly diverse every day.

I think it is important to have a provincial initiative which oversees and supports this and, at the same time, increase the capacity of local communities to take over that initiative. I do not see this board as being something that will be needed in perpetuity. I think one needs to have some consistency across the province, but that in fact the board, as I'm used to saying on this, should begin from day one to begin to work itself out of existence by making sure that the local communities—you mentioned Ottawa-Carleton. Some very, very good work has begun in Ottawa-Carleton, but all sides of the Ottawa-Carleton community, including the police in Ottawa-Carleton, will tell you, as they have told me, that they have only just begun a process. They've been very

strong supporters of the creation of the provincial board so that they can have the mechanism of getting some comparison to what they're doing with what's happening in Windsor, be learning from what's happening in Thunder Bay, Windsor, Sudbury. The provincial board can help to do that kind of networking as well and, in a short period of time, allow the local community to carry the initiative on its own.

**Mr Daigeler:** Just one quick question because I know my colleague wants to come back with some questions: I can understand and appreciate the need for some province-wide coordination and encouragement and so on, but why can't that be done or why isn't this being done under the normal functioning of the civil service? That's what we've got the various ministries for and the various staffs. Why do we need a separate board for this with all its apparatus?

Frankly, I'm not as convinced as you may be perhaps that these boards do see a sunset clause and after a certain time will disappear. They have their own weight that keeps on going. So I'm just wondering why this function couldn't be carried out as part of the normal duties and responsibilities of—I think you report to the Solicitor-General?

**Mr Deen:** Yes.

**Mr Daigeler:** Under his ministry.

**Mr Deen:** Because again, remember an essential part of this board is that it is community-based. It gives the community across Ontario an opportunity for community involvement at the provincial level. So it is not a normal part of the civil service. It really is a community-based activity, supported by the Solicitor General, no doubt, but it provides an opportunity for this kind of, as I said, province-wide coordination, province-wide support, to allow that momentum to be developed.

**Mr Curling:** Mr Deen, I can't resist taking the opportunity to ask for your input in this respect. The police now are being asked to go into the schools. I attend schools every Friday, talking about how laws are made etc, but the fact is I've been watching the behaviour pattern in some of the schools of the children and some of them are quite questionable. Now we have decided to put the police in there. It seems somehow that there's an aspect of it that is lacking about how we as teachers seem to have—I don't want to say lost control but are unable to because of the situation in the schools. How do you feel about the police inside the school and what would be their role? I'm not quite clear. How would that relate to your job?

**Mr Deen:** I truly believe, in the spirit of meaningful community policing, that the police are an integral part of the partnerships that must develop across all institutions as well as with the community as a whole, and from that point of view, the police-education partnership is one, for me, as a former educator, that is long overdue. I've been following the various comments about the beginnings of police-school partnerships of that kind in the greater Toronto area. I want to point out that in fact that kind of partnership has existed in the city of Ottawa for quite some time, and very productively so. It builds the kind of knowledge about and respect for this important institution



among students in our schools that can only be very productive.

**Mr Curling:** I was encouraged by my colleague Mr Runciman's comment, to say that the BADC group had some concerns about police and was asking for your response to that. This somehow really tells me that some of the work that's been done and the tension that's been called upon by that group is of concern and is now being recognized in the Conservative Party.

My question beyond that is to say that many times this government here develops many bureaucracies—employment equity, human rights and all these groups—without any resources, and I'm concerned that having put you there, having this great ability and education and experience, are you confident that they should follow through with the fact that sufficient resources be given to you to do the job?

While you're answering that, I'll throw another one in, actually. I noticed too that members of the board will be appointed and the duration of their stay on the board is subject to cabinet time. There's no one-year or two-year service. It's up to cabinet, if they want to serve five or six years. It says "cabinet" in here, not even the Lieutenant Governor. Well, it's the same thing. How do you feel about the resources and also the appointment process, as the members of the board will serve on the board that you will chair?

**Mr Deen:** As far as the resources are concerned, Mr Curling, I think it's important that the resources are in place, if you will, in the permanent institutions of government to support the Police Services Act. As I said in response to Mr Daigeler's question, the monitoring board, this board, is being set up for a very limited time. I honestly do not see nor did I recommend that this board should have any more resources than it has right now, than it's planned to have.

With reference to the appointment of the community representatives of the board, maybe I should announce that in response to the public advertising of those eight positions, public appointments received more than 500 applications from across the province of members of all segments of the community wishing to participate in this activity, knowing that it's a largely voluntary activity. That augurs well for the kind of response that one would want from the community across Ontario.

1050

The length of time—you help me, but it's my understanding that's the way language tends to be worded. Ultimately, the cabinet makes the recommendation, this committee approves or otherwise the period of time. It's my understanding that these will be either one-, two- or three-year appointments, in each case.

**The Chair:** Thank you.

**Mr Curling:** It wasn't stipulated at all in here.

**The Chair:** Thank you.

**Mr Curling:** A typical way of the Rae—

**The Chair:** Mr McLean.

**Mr McLean:** Welcome to the committee, Mr Deen. The first question I have is, do you have a copy of the

terms that you have come up with? You were in late 1993 designated as chair to develop the terms of reference for the new board.

**Mr Deen:** Yes.

**Mr McLean:** Do you have a copy of them?

**Mr Deen:** Yes.

**Mr McLean:** Would we be able to have a copy of it?

**Mr Deen:** Certainly.

**Mr McLean:** Thank you. The other question I have is, how long is your appointment for, do you know?

**Mr Runciman:** At the pleasure of the cabinet.

**Mr Deen:** My own appointment, I think so, yes.

**Mr McLean:** It's to be determined by cabinet, but do you know how long they are going to determine that your appointment is for? Is it four years or five years or three years?

**Mr Deen:** Two years, my own appointment.

**Mr McLean:** Do you know of any other new people who are going to be appointed to the board?

**Mr Deen:** No. The advertising was done, the applications have been coming in and the process is in place right now to short-list and interview. I think the standard practice is telephone interviews across the province.

**Mr McLean:** Any idea how many applications they have?

**Mr Deen:** Five hundred applications have come in.

**Mr McLean:** Do you have any political affiliation?

**Mr Deen:** Yes.

**Mr McLean:** What party do you belong to?

**Mr Deen:** I believe that in the spirit of this healthy democracy, I am entitled to keep that information secret and I'll exercise that right.

**Mr McLean:** Mr Runciman.

**Mr Runciman:** Well, Madam Chair, a couple of things: I want to say, in response to what you said earlier about Mr Deen's appointment, I think that it was indeed a very public slap in the face to this committee, the fact that he was appointed a year ago, however you wish to word his title, "chair designate," and it's a year before his appointment comes before this committee for review. I think that the committee itself should be expressing distaste, although we've known in the opposition benches what a farce this whole process is, that not one appointee has been rejected by the committee. But this just really sends out a message to the public at large of the government's contempt for this process.

I have to take exception, Mr Deen, to your last comment with respect to your political affiliation. That's quite a common question posed in this committee. There's been considerable public concern in the past number of weeks or months, especially as it relates to matters dealing with the justice system and policing, and the political affiliation of various appointees to parole boards, to police services boards etc, who come to the job from a political perspective that is not terribly representative of the public at large and, as a result, we've seen some great problems and some decisions taken that were certainly not in the public interest.



So I want to reiterate Mr McLean's question. I think it's a fair question. I don't think we're asking you how you vote in future elections; I agree with you that's a matter of confidence. But if you have been formally affiliated with a political party in the past, I think that's a fair question. If you want to decline, that again is your freedom to do so; we can't compel you. But I want to pose the question once more: Have you had any political affiliation in the past?

**Mr Deen:** I have been a member of a political party; I have been a member of political parties in Canadian life since I've been in Canada. I will reiterate that in fact I have carried out my public functions as a senior education leader without any demonstrable bias, politically or otherwise. I believe I have a right as a Canadian citizen to maintain the privacy of my political party membership or affiliation and I will exercise that right in this healthy democracy. It is a fundamental right which I'll exercise.

**Mr Runciman:** Do you know Evelyn Gigantes?

**Mr Deen:** Yes. I know Mr Daigeler as well.

**Mr Runciman:** I didn't ask you that question, did I?

**Mr Deen:** No, but I think in fairness, sir, let me be quite candid. I am a Canadian citizen. I'm entitled to the privacy of my political opinion and to the privacy of my political affiliation. If you're trying to find out what my affiliation is, I have refused to accept—

**Mr Runciman:** Oh, I think I know what your political affiliation is or you wouldn't be so reluctant to reveal it.

**Mr Curling:** He's a Conservative.

**Mr Runciman:** Yes. No doubt about it. The appointments list is rife with Conservatives these days, and a few Liberals tossed in, I might say. Did you read the Lewis report that the formation of this committee was based upon?

**Mr Deen:** Yes, I did.

**Mr Runciman:** Did you agree with all of its conclusions and recommendations?

**Mr Deen:** Most of them, yes.

**Mr Runciman:** Which ones did you take issue with? Can you recall?

**Mr Deen:** I don't recall right now. I'm sorry.

**Mr Runciman:** In any event, you agreed with his conclusions that there were concerns I gather that applied right across the province that justified the adoption of most of his recommendations.

When you talked about the budget for the committee, and again this is another thing that isn't addressed by the cabinet minute, what's the salary range for your position? Can you reveal that to us?

**Mr Deen:** No. I believe that information is also covered by appropriate legislation in this province and I am not willing to—

**Mr Runciman:** I asked the salary range, not specific salary. Is there a range for this job or is it a set salary?

**Mr Deen:** I think the job is considered one of senior management.

**Mr Runciman:** So you don't feel uncomfortable with

refusing to tell taxpayers how their tax dollars are being utilized in terms of your own salary. I don't have any further questions, Madam Chair.

**The Chair:** Mr Deen, it is public information, the range of honorariums and salaries for government boards, commissions and agencies. The range is published. I just wanted to assure you of that.

**Mr Marchese:** Just as a question for clarity, and Mr Deen might be able to answer, I saw the fact that he's got "chair designate" as the title, although what has happened is that he was hired on contract to do the terms of reference for the proposed board. So your position was as a hired person to develop the terms of reference.

**Mr Runciman:** Write his own job description.

**Mr Marchese:** Is that title, "chair designate," the title that was given to you or is that the title you wrote down?

**Mr Deen:** That's the title that was given to me on the contract.

**Mr Marchese:** I see. But for clarity, he was hired on contract to develop the terms of reference for this board.

**Mr Deen:** To consult with the province, yes.

**The Chair:** Just before Dr Frankford, I want to advise the committee in case some members leave between now and noon, including the Chair, that we are meeting this afternoon in the Amethyst Room at 2 o'clock.

**Mr Frankford:** I wasn't sure that community policing and policing in schools came within this orbit, but since Mr Curling mentioned it, I don't know about all of Metro Toronto but it certainly exists in Scarborough, including Scarborough East. I feel that it's an admirable initiative that has considerable possibilities for prevention. I think it's something about which we feel very good, that the police have taken a very constructive initiative along with the Scarborough Board of Education.

One of the responsibilities here is to research trends and emerging race relations and policing issues on an ongoing basis. It seems to me that developing statistical methodology is of considerable importance, to have something to grab on to for the auditing for now and for years to come. Could you say something about either what you have been doing or what you see happening around statistics?

**Mr Deen:** I have been doing nothing in that area as of now. I believe that for any collection of data of that kind—for example, there are statistics that are accumulated by the police complaints commission and analysed—the board will rely on other agencies that are collecting appropriate information, that being one. There is information coming out of the implementation of employment equity. The board should not be replicating the collection of those data because they are being collected already. One of the things that the suppliers of that kind of information are very irritated by is having two or three different arms of government coming and essentially trying to collect the same information from them. I think there are useful data, useful statistics of that kind, that will help in monitoring the effectiveness of various initiatives.

**Mr Frankford:** Obviously, you're not uncomfortable with the collection of statistics. At times it's been contro-



versial, that it's used for bad purposes or to confirm people's prejudices, but I personally feel that the more comprehensive stats we develop, the better, and this is a very important role for all the public agencies involved with policing and crime.

**The Chair:** Any other questions from the government members? There are six minutes left. No? All right. Then that completes the review of all three caucuses. We thank you, Mr Deen, for your appearance before the committee this morning.

1100

JO-ANNE McDERMOTT

Review of intended appointment, selected by official opposition party: Jo-Anne McDermott, intended appointee as member, Durham Regional Housing Authority.

**The Chair:** Our next appointee whom we are going to interview today is Ms Jo-Anne McDermott. Welcome to the committee, Ms McDermott.

**Mr John C. Cleary (Cornwall):** Welcome to the committee. My first question is, what is your present job? Where are you employed at the present time?

**Ms Jo-Anne McDermott:** I'm employed as cook at Trafalgar Castle, which is a girls' school in Whitby.

**Mr Cleary:** How did you find out about the opening? Were you approached? Did you approach someone?

**Ms McDermott:** I had submitted a résumé for something different and they contacted me regarding a position that could be coming up and asked if I would be interested.

**Mr Cleary:** What changes would you like to see, being that you're familiar with the way the board operates?

**Ms McDermott:** I'm not exactly sure how they operate. I assume it's similar to our cooperative board of directors, so I'm not sure what changes. Maybe a little more, I'll say, tenant involvement; I'm used to members, but a little more of the stakeholders having a say at the board level.

**Mr Curling:** Welcome, Ms McDermott, to the committee, as my colleague has already welcomed you. Housing has been a great concern. I was reading some of your comments saying that everyone should be actually almost guaranteed to have shelter, especially the children, a roof over their heads, as you put it, or a roof over everyone's head. Sometimes that is quite difficult for the government to do. The fact is that we're talking about costs. While it might be said that the government is doing a good job of that, do you think the government itself should be in the housing business, making housing for people, or should the private sector be doing that with government having good laws and regulations to see that this is done? How do you feel about that?

**Ms McDermott:** I believe we need the partnership of all involved if you're dealing with social housing. Obviously, the government's funding is there, so we should work together as a team.

**Mr Curling:** Some may not be aware of this, but in some of the situations that are happening now, they find that when the government runs these housing groups or

homes the cost is exceedingly high, much higher than with the private sector. Do you feel that one day the government maybe should come out of that and have the private sector run it? What we have now is a large bureaucracy, a lot of committees running it, people selected, and the buildings that are run by government seem to be somehow deteriorating, not kept up properly and all that. Do you feel they are doing a good job in that respect?

**Ms McDermott:** I'm not really sure how to answer that. In the dealings I have, I'm with the cooperative more so than with the non-profit.

**Mr Curling:** Do you live in a co-op now?

**Ms McDermott:** Yes, I do, and we work quite well with the ministry and the different levels of government.

**Mr Curling:** Is it maintained properly? Do you think that the place is maintained, that it is painted and garbage is picked up, to live in?

**Ms McDermott:** It depends. Ours, yes; I can say unequivocally that ours is well maintained. We're new, mind you, two years old.

**Mr Curling:** It's a two-year-old co-op?

**Ms McDermott:** Yes. It's 261 units.

**Mr Curling:** Are there many co-ops in your area?

**Ms McDermott:** There are 29, I believe, in total in the Durham area.

**Mr Curling:** Are those co-ops, not yours, not the two-year-old one that's looking nice and well painted—

**Ms McDermott:** The older ones?

**Mr Curling:** In a couple of years from now it won't be always well painted. Are there any others within your community that you see that need some real good repairs and fixtures and all that?

**Ms McDermott:** There are always repairs that are needed, but there's always a way of doing repairs. We have 18-year-old buildings that are undergoing renovations now and they still look good.

**Mr Curling:** As far as the government is concerned, being that they are the second-largest landlord in North America and yet they're not the best landlord—that's why I am asking you this—maybe they should come out of that business. Do you have any thoughts on that?

**Ms McDermott:** I'm really not sure. We are with the government because we're using government money, or public money, and I don't know how you could come out of it. I'm not sure how to answer that.

**Mr Curling:** You're going to be part of that management, of that landlord now, being appointed to the board. You will be appointed anyhow to that big task of being part of the landlord team. While you are there you are almost going to be the watchdog for this large landlord to see that repairs are done and that tenants are treated fairly, that recreation facilities are there and what have you. Do you see yourself playing that role on that board, when you were being appointed, saying, "Well, I'm going to be appointed, I'm going to be a big landlord now, and I'm going to make sure that I'm going to be one of the best landlords and not this kind of stuff that's going on all the time"? Do you see yourself in that role?



**Ms McDermott:** I believe I can offer some input to the board. I haven't sat in on any of their meetings or anything so I'm not sure how they deal with things, but I'm willing.

1110

**Mr McLean:** Welcome to the committee. You have about 1,276 housing units in your authority. There are 365 occupied by families. Are you one of the families that's in co-op?

**Ms McDermott:** I'm in cooperative, yes.

**Mr McLean:** Tell me, is cooperative subsidized?

**Ms McDermott:** Yes, it is. Actually, we're pretty much based on the same principles for the funding and the programs, administering the RGIs and that.

**Mr McLean:** So you're in one of the subsidized units now?

**Ms McDermott:** Yes.

**Mr McLean:** The budget is going up from \$7.476 million to \$7.6 million. Are you aware of the budgetary policies of that authority at all?

**Ms McDermott:** Not all of them, no. I'm not that familiar—

**Mr McLean:** Have you been involved in it, attended meetings or—

**Ms McDermott:** Actually, I have attended a couple of theirs. We've been invited to attend because they're starting the process of tenant involvement, that type of thing. Cooperatives have always had member involvement as opposed to tenant involvement.

**Mr McLean:** Do you have any idea of the amount of income that's taken in for the authority and the amount of expenditures there is and the difference between the two?

**Ms McDermott:** Not right down to the penny, no.

**Mr McLean:** You have no idea?

**Ms McDermott:** Not in dollars and cents. I have the information in front of me. I could refer to it.

**Mr McLean:** I'm curious how much the taxpayer is picking up of that authority you're now going to be a director of. It would be interesting to know. Mr Runciman?

**Mr Runciman:** Ms McDermott, you're a volunteer on this authority. Authority members are not paid. I congratulate you on getting involved. Not too many people serve on these kinds of government bodies any more on a volunteer basis, so you're to be commended for that.

Do you have any problems in the co-op housing that you can relate to public housing vis-à-vis youth crime, any problems with drugs, those kinds of things in co-op housing that you're aware of? I know this is not your function.

**Ms McDermott:** On a personal level?

**Mr Runciman:** Yes. Do you see that occurring?

**Ms McDermott:** I think no matter where you are there are problems, whether you're in private or non-profit. Any neighbourhood could have any number of crimes, but I'm not sure what—

**Mr Runciman:** You're not aware of any—

**Ms McDermott:** Nothing more so than any other neighbourhood, I would think.

**Mr Runciman:** I think if you take a look at Metro Toronto and other areas, especially in public housing, it is a very serious concern. In terms of public housing, you're not aware of problems with respect to drug dealing or violent crime?

**Ms McDermott:** In our area?

**Mr Runciman:** In your public housing authority.

**Ms McDermott:** In the Durham region area, I would say no, I don't know if it's that much. I understand that with Toronto there have been various articles and conversations regarding some of the larger projects.

**Mr Runciman:** Even in smaller communities, but Toronto is certainly a major concern. There were hearings I attended last year about some of the drug dealers having three or four units in public housing, where one is a lab, one is a drop point, one is a payoff point and there are all sorts of things occurring: lobbies and grounds with used needles and those kinds of things, very serious problems, and crime to go along with it.

I just toss out the idea that one of the initiatives you may want to look at as a member, if this isn't already occurring, is to try on a regular basis to invite representatives of the police service to attend your meeting and talk about their experiences with your authority, in the housing stock in your authority, and recommendations and suggestions they may have in terms of how to improve the situation. I don't know how widespread it is in Durham. It may be a good example for all the province, but I know by and large it is a problem in many public housing areas across the province. Good luck.

**Ms Carter:** Welcome to the committee, Ms McDermott. First of all, I don't believe you were given an opportunity at the beginning of this session to introduce yourself. I just wondered if there was anything you would like to say.

**Ms McDermott:** I know you have my résumé in front of you, the application I sent in. Basically, all I want to say is that I may not know all the answers or the way to proceed with the answers. This is all very new to me, but I do firmly believe that everybody has a right to housing and I'd like the opportunity to do whatever I can to help do that, because with the cooperatives being involved in that, we've seen a number of families that have gotten into cooperative because of our initiatives and our follow-through. I'd like to continue.

**Ms Carter:** I think we'd all agree that housing is absolutely key to any individual or family, that you can't do much with your life if you don't have a decent housing base to go from. How do you feel your experience in the co-op housing sector will help in your role as a board member?

**Ms McDermott:** Given that I've been in cooperative housing, I know we have a few differences as far as the non-profits and cooperatives go, but I think that we share the same concerns, the same problems, that we're based on the same funding ideas, things like that, so I just think I can offer 17 years worth of—different experience is very difficult just to put on the table, in short.



**Ms Carter:** Mr Runciman has suggested that public housing goes with crime and stuff like that. I just want to put forward some of the experiences I've had as the member for Peterborough. During the time I have been in this job, I've visited a large number of different kinds of housing projects and units, and one thing I have seen very clearly is that the more involvement people have with the running of whatever it is they're living in, whether it's an apartment building or a co-op or whatever, the happier they are, the better things are socially and the more rewarding it is in a general way. I guess the cooperatives are the sort of end of that spectrum where people have the most involvement.

I particularly remember a co-op I have visited which has a large number of children in it and hearing that these children are not only well housed and accommodated, but that they have an advantage over other children because they belong to this community. They do things together, and as somebody said to me: "We're raising little democrats here. People are going to be able to take part actively in a democratic society."

I understand that the government has put forward Planning Together: Improving the Quality of Life in Public Housing and that tenant participation is a part of that. I'm just wondering how you see that and whether you see that as something which is important to encourage and develop.

**Ms McDermott:** Yes, it is. Basically, the basis for any community is pride of ownership, so if you give it to the people who are a part of it who are going to have to live with it day to day, you'll have the successes. It's the mix that makes it work.

**Ms Carter:** Yes, and of course the whole morale is better. I've been to places where there's a certain amount of money available but because the board that decided how it would be spent didn't represent tenants, it was spent on something that they felt was quite superficial and useless. They knew what they would've done with the money, and there was all the bad feeling on that account.

**Mr Frankford:** It seems to me there's a fair amount of confusion in the public in general and perhaps even among some of the people in this room as to what we're talking about in government-related housing, let's call it. Let's be clear: The housing authority looks after, or you will have responsibility for, Ontario Housing, but not for non-profits and not for cooperatives.

**Ms McDermott:** Yes.

**Mr Frankford:** Okay, so we're dealing with a sector of housing which has not been created for many years, which was a policy decision of the government of over 20 years ago, which was the well-entrenched Conservative government which made those decisions, and we're now living with those buildings, which are aging and where the decisions about how they'll be managed were entrenched and probably need a lot of rethinking.

Could you give us some indication of the housing in the Durham region which I will call government-related? Do you know the proportions of the old public housing and the newer non-profit and co-op housing?

**Ms McDermott:** I'm not sure of the exact mix. I know they do have a fair number of units in the Durham region. The ages of them I'm not 100% on.

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**Mr Frankford:** So you really haven't been briefed yet on what buildings you would be looking at?

**Ms McDermott:** Not specific names, no.

**Mr Frankford:** Okay. I don't know if you're familiar with what has been happening around MTHA, the public housing in Metro. Are you familiar with the consultant's report that came out and the recommendations on some significant changes in the way those buildings are managed?

**Ms McDermott:** That they're starting to lean towards member involvement—the tenants, I should say.

**Mr Frankford:** Yes. I think as you mentioned, residents' councils are one of the important features of that. Again I understand you're not really familiar with the buildings that you'll be responsible for, but do you have any ideas of whether it's needed and what you would like to do to bring that approach into the Durham area?

**Ms McDermott:** I think I know some of the buildings that we'll be dealing with. They've already started the implementation of the tenant participation. Cormack Station actually, I believe, might be one of them and they've done quite a job in getting it started. I think it's just not necessarily the education but just the sharing of information that you can get these things to work through tenant participation because we do use them through the cooperatives as member participation.

**The Chair:** Mr Marchese wishes to get on.

**Mr Frankford:** Okay. Go ahead.

**Mr Marchese:** Just a quick comment: I used to live in a co-op as well, by the way, and part of the history of co-ops is that people are actively involved. It doesn't mean everyone is, but many are. We don't have the same history in the housing authorities and that's part of a long, cultural problem where we've done things for them and part of undoing that takes a great deal of time. Do you have some views about how we actually get people to participate in the decision-making processes of things that affect their life in the housing authority?

**Ms McDermott:** I think you would start just by informing them that they can have a say, that they do have the ability to sit in on budgets, to decide what their fates will be, and once they realize that we do have a true stake, it just eventually snowballs.

**Mr Marchese:** I know it's not so easy, Jo-Anne, because I'm working at Alexander Park where we're converting Alexander Park as a housing authority to a cooperative and the work that is taking place is very slow, laborious and not easy in terms of convincing people that all of a sudden here they will have a say and that in knowing that, they will take on the challenge and were ready and gung-ho to do all of that. Just simply telling them isn't what does it. What else do we do?

**Ms McDermott:** I think you need to show them. If you have one or two that are starting—even if you get two people out to a meeting that you've called for 10,000



to show up, at least you've got two. That's a start and you just build on that.

**The Chair:** Thank you. That completes each caucus and thank you very much, Ms McDermott, for your appearance before the committee this morning.

NANCY BACKHOUSE

Review of intended appointment, selected by the third party: intended appointee as member, Board of Inquiry (Police Services Act).

**The Chair:** Our next intended appointment is that of Ms Nancy Backhouse. Ms Backhouse, welcome to the committee.

**Mr McLean:** I have a couple of questions that I wanted to ask you. This is going to be a board of inquiry to conduct hearings into complaints made by members of the public about police conduct. A complaint can be issued against pretty near anybody today, whether it's founded or unfounded, and that individual can be sitting there being investigated by the police and not knowing what the accusations are, and it can go on for a year. Does that individual have a right to complain to this Board of Inquiry into the slowness of this investigation?

**Ms Nancy Backhouse:** What you're asking is delay once the complaint makes it to the board of inquiry. Is that what your question is? Or is your question the time lag between when the complaint is first made and the administrative process before it would—

**Mr McLean:** The police are like up here and the public is here. Somebody has issued a complaint and the police are doing an investigation. They can take all the time they want.

**Ms Backhouse:** My understanding of the process, and this is apart from what I would be doing if I'm appointed to this board, is that the police complaints commissioner monitors the complaints that are made by the public as they are investigated internally by the police, and if the matter has not been dealt with to the complaints commissioner's satisfaction within a 30-day time period, he can step in and take over the complaint.

**Mr McLean:** But would he be authorized, as the complaints commissioner, to speed up the process of the investigation?

**Ms Backhouse:** It then becomes under his auspices and he would then be responsible to ensure that it was dealt with in an efficient manner. But if your question is concerning delays with respect to complaints once they get into the board of inquiry process, my understanding is that the delays at that level seem to be related to counsel for the various parties' calendars, as opposed to any delays that are administratively caused by the board or the board members.

**Mr Runciman:** You're serving currently as the vice-chair of the Grievance Settlement Board?

**Ms Backhouse:** I am.

**Mr Runciman:** So you're going to carry on those responsibilities?

**Ms Backhouse:** That's the intention, although to date it has not been something that has resulted in a very significant portion of my time. I was mediating for that

board for about five years prior to being appointed a vice-chair of it, and since that time, I think because of the change in the way that the Grievance Settlement Board is being funded, there are very few complaints going forth, so I've only had a couple.

**Mr Runciman:** So how did you come to be recommended for an appointment to this board? Did you express an interest or did someone approach you?

**Ms Backhouse:** Someone who was a classmate of mine at law school suggested to me that I might consider doing it. There was a public, I think, advertisement with respect to openings and I made an application and was interviewed as a result of that.

**Mr Runciman:** Why are you interested?

**Ms Backhouse:** I feel I've got a background in the area of arbitration that qualifies me to do it. I think it's a very interesting area. The matters that come before boards of inquiry under the Police Services Act, as I understand it, are usually very adversarial, and I think they're very interesting public issues and I'm hopeful that I can handle them competently.

**Mr Runciman:** Your experience seems to be primarily in labour law. You've done some family law.

**Ms Backhouse:** I'm certified by the law society as a specialist in family law and that has been my primary area of practice, but since 1989 I've been mediating labour disputes and more recently I've been an arbitrator in the labour field.

**Mr Runciman:** The firm you are a partner in, Fraser and Beatty—

**Ms Backhouse:** I was a partner. As of May 1994, I resigned as a partner because I was unable to hold myself out as a neutral because that firm has a management-labour practice which created a conflict.

**Mr Runciman:** So it was a conflict with the Grievance Settlement Board?

**Ms Backhouse:** That's right.

**Mr Runciman:** So you gave up a partnership because of a conflict with the Grievance Settlement Board even though you say you're not terribly gainfully employed by the Grievance Settlement Board.

**Ms Backhouse:** I should back up and say that I was already the vice-chair of the Grievance Settlement Board prior to resigning as a partner. It was rather being an arbitrator in labour disputes referred by the Ministry of Labour that created the conflict.

1130

**Mr Runciman:** So are you in private practice now?

**Ms Backhouse:** I'm a sole practitioner.

**Mr Runciman:** When you applied for this job and you were contacted by the appointments secretariat—or by whom, when you made an application?

**Ms Backhouse:** That takes me back a while. My best recollection was that it was Mr Yee, who's the chair of the board of inquiry, setting up an interview, first by letter to say that the application had been received and subsequently to ask me to attend an interview process.

**Mr Runciman:** So you went through an interview



process with Mr Yee and—

**Ms Backhouse:** Mr Yee and somebody from the community.

**Mr Runciman:** Someone from the—

**Ms Backhouse:** A community representative.

**Mr Runciman:** What does that mean, “a community representative”? I’m not sure.

**Ms Backhouse:** I’m not sure it was explained to me fully—

**Mr Runciman:** Which community?

**Ms Backhouse:** —and I’m not sure which community.

**Mr Runciman:** A minority community?

**Ms Backhouse:** I believe so.

**Mr Runciman:** And what kinds of questions? Were you expected to have a certain sympathy? I’m interested that a community representative, so-called, was part of the interview process. I wonder why. You can’t answer this, but that is a most interesting note. What kinds of questions were you asked? Can you recall some of them?

**Ms Backhouse:** Well, it was an interesting interview and part of the process of the interview was that I was asked, and I believe all the candidates were asked, to take a mock situation and write a draft award, which will of course, if I’m appointed to this board, be what you’re required to do after hearing a complaint.

**Mr Runciman:** Can you tell us whose side you came down on in that? Did this involve a complaint against a police officer related to a visible minority?

**Ms Backhouse:** To be honest with you, I can’t even remember what the fact situation was and I can’t remember which side I came down on. My sense of it at the time was that it was more a borderline kind of case and the concern was less which side you came down on than how you handled the issues.

Going back to the question of the interview, it was a very interesting interview and, I thought, very well done on their part. I felt completely unprepared, having walked out of it, and thought that if I’d been a little smarter I would have talked to some people who might have better prepared me for it. But I had sort of blundered into it without having done that.

Some of the questions that I recall them asking I think were to determine or give them an opportunity to assess whether you had some sensitivity to the kinds of issues which might come before the board and whether you had any sort of pre-conceived notions that might interfere with your ability to be impartial or be seen to be impartial as a chair of a hearing.

**Mr Runciman:** Obviously you were politically correct from an NDP perspective. Best of luck.

**Mr Marchese:** I just have two questions. One has to do with police investigations of complainants. It has been suggested by some individuals who have lodged complaints against police officers, who have complained, that they’ve been subjected to police intimidation following the filing of their complaints, and there are a number of reports where this has been shown that it has happened.

In Ottawa, for example, police officers were assigned to probe the background and credibility of crown witnesses who would testify against a police officer who was the subject of criminal prosecution. In another example, a woman who had filed a complaint alleged that the police subsequently conducted surveillance of her house and investigated her background in order to discredit her testimony. These are the kinds of things that I suspect are happening. What is your view with respect to investigations of complainants? Are they appropriate, inappropriate?

**Ms Backhouse:** I think that would be a matter which would be properly addressed by the complaints commissioner rather than an individual chair of a board of inquiry. The only way in which it would come before an individual chair would be if there was an allegation of police misconduct as a result of an investigation which was seen to be harassment, and then it would depend upon the facts of that particular case as to whether it was a breach of the rules or of the Police Services Act.

**Mr Marchese:** Sure. I was asking a general question. Rather than who would deal with that issue, is it appropriate for the police to investigate the complainants in the ways that I’ve described, for example?

**Ms Backhouse:** Well, my personal view would be that if it’s being done in a way that discourages people from making valid complaints, it’s obviously inappropriate.

**Mr Marchese:** Okay. I have another question on the hearing process. I was reading the research here, which lays out some of the points. It talks about the Police Services Act creating “a hybrid process whereby the board is expected to conduct an investigation into complaints against police and act as a forum for prosecution of police officers, but has excluded from this process the traditional safeguards of a trial.”

It also talks about some board members not having legal background, it talks about wrangling over procedure and in the end makes a comment “that the perceived failure of the board to conduct its business in a judicial way has undermined the confidence of both the police and the public in the board’s ability to handle complaints.” Do you have a comment on all of that?

**Ms Backhouse:** I guess my first comment would be that as I understand the police services board of inquiry it does not have any investigative powers; that this would be something that would be done either internally in the particular police force that was investigating it and/or by the complaints commissioner. So it’s not hybrid in that sense.

To the extent that there is suggestion that the board has not got legal training, the chairs are all lawyers. They don’t have judicial training, but to my understanding judges don’t have judicial training; they just get appointed and they’re supposed to know what they’re doing.

The boards, with the three appointees, one appointed by the Association of Municipalities of Ontario and the other by the Police Association of Ontario, interestingly enough have resulted in most cases in unanimous decisions. I think the reason for that is that it’s easy to



criticize decisions when you haven't actually had to sit in the room and listen to all the evidence and all you see is a short statement in the press which may or may not be accurate. But very often if they hear the same facts, people, even from very diverse backgrounds, will find that they see the situation in the same way. I don't know if that's exactly responsive.

I would say one more thing to that. I think part of your question dealt with the fact that there are appeals being taken from the boards of inquiry and that there's some suggestion that you're not getting the same safeguards in terms of the administrative process as you might in a trial with a judge. I think part of the explanation or part of the story is that because this is a new board, lawyers, being what they will, are likely to take a run at various rulings to see how the higher court will deal with that, and that's fair play.

I think once some of those decisions from the Divisional Court are in place there will be fewer opportunities for parties to make those kinds of legal arguments, which have resulted in delay in some cases. But there are very important rights at stake, and I think it's important that the parties have a right to appeal and have a right to judicial review in the event that mistakes are made.

**Ms Carter:** As a lawyer, as you said, you will obviously have a leadership role in the panels that you will chair. I was just wondering how you think your experience within the legal community and your other activities will help you to take that role.

**Ms Backhouse:** I think that different candidates all bring different things to the table. One of the things I think I'm able to do because of my arbitration experience is to control a hearing, and because I'm a litigator I'm familiar with the way trials operate. My understanding is that the proceedings for the boards of inquiry have frequently been hotly contested. There's a great deal of interest by the media. I think it's important to just keep control of the process so that it is seen to be fair, everybody gets their opportunity to present their point of view and a decision is made efficiently and fairly.

1140

**Ms Carter:** Do you feel that a less adversarial approach than maybe there has been in the public complaints process is appropriate, that there should be more mediation?

**Ms Backhouse:** My understanding is that the board of inquiry chair is looking into developing some mediation-ADR process for the board which might screen out cases at the outset, give the parties an opportunity to resolve the issue by other than going through a hearing. If that can be offered to the parties, I think that's an excellent way to proceed.

**Ms Carter:** Certainly you have the background that would help you to be part of that process.

**Ms Backhouse:** My guess would be that there might be somebody who's on staff at the board or might be contracted to do that kind of mediation. I think once you're appointed as a chair of a case of a hearing, it's fraught with difficulty to put on a mediator hat, because you hear things in the course of that mediation which

may or may not be evidence. So I think there has to be a bit of a distinction between the two.

**Mr Cleary:** Welcome to the committee. How many board members are on this committee at the present time?

**Ms Backhouse:** My understanding is approximately 60, from all three areas. A third would be lawyers appointed by the Attorney General, a third would be recommended by AMO and a third by the Police Association of Ontario.

**Mr Cleary:** This might not be a fair question, but I just was wondering, how often on the average would you meet?

**Ms Backhouse:** How often on average—

**Mr Cleary:** Would you have meetings, inquiries?

**Ms Backhouse:** I'm advised that a board member, once appointed, might expect to have hearings for about two weeks in total in a year.

**Mr Cleary:** And how many board members would there be at a hearing?

**Ms Backhouse:** Three.

**Mr Cleary:** A chair and—

**Ms Backhouse:** A chair, who is a lawyer, and then an appointee coming via the municipality route and an appointee coming via the police association route.

**Mr Cleary:** Are those hearings heard throughout the province?

**Ms Backhouse:** I think there are eight regions is my understanding, yes.

**Mr Cleary:** And what time frame? Are we talking about a backlog right now, at the present time?

**Ms Backhouse:** I don't believe there is a backlog, actually, but I could stand to be corrected on that.

**Mr Cleary:** My colleague has a question.

**Mr Daigeler:** The background that you're describing seems to be mostly in the legal field. I'm sure a lawyer has contacts with the police as well through the professional connections, but other than that, have you worked with police before, or is there any kind of experience in that regard?

**Ms Backhouse:** Very early on in my legal career I did some criminal law, but other than that I wouldn't have had professional association with police officers other than as matrimonial clients. I've had a fair number of them in that fashion, as clients.

**Mr Daigeler:** I'm asking that because I'm sure you're aware that this particular committee I think raises some questions among some members of the police services, and it also relates to the question that I'm trying to get at, which is on what basis you will be making your decisions. What is the framework that you will base your judgements on? What will you be looking for in terms of arriving at justice, at being fair I guess both to the police and the person who makes the complaint? Is it just legal perspectives?

**Ms Backhouse:** I think all the complaints that come before the board of inquiry are complaints by the public. They allege a breach of either the Police Services Act or the rules of conduct which are part of the regulations of



the Police Services Act. So it is a legal exercise to listen to the evidence that is presented and to make a determination as to whether the allegation is substantiated or not.

I think anybody performing a judicial or quasi-judicial function brings their background and their personal life experiences to the table. I find it interesting that the board's experience has been that there have been very few cases where the decisions that have been made by the various panels have not been unanimous. They're quite often pretty clear cases one way or the other as to what the outcome is. They're not a close call. They are three people from very different backgrounds, the two sides' people coming with a particular point of view—that's why they're appointed—seeing it the same way as the chair, who is supposed to be coming with not any particular point of view. I might say that's not the experience as often in the labour area. One finds dissents more frequently in that area.

**Mr Daigeler:** I must say I'm not too close to this, I follow it basically just through the press, but I get the sense that the police look at this whole process as somewhat biased against them. I'm just wondering how, in your role as a member of this process, you perceive this. Are you aware of it? Can you confirm this, and if so, how would you try to make the process appear fairer? I don't want to take a position on whether it's fair or not, because I don't know enough about it, but at least appearance sometimes is important as well and I do think our police services should feel comfortable with this process.

**Ms Backhouse:** My understanding is that there has been substantial support from the police. My understanding of the reason for that is that we hear these allegations made against the police that are on the front page of the newspapers, and here is an impartial board where the actual facts can be presented. It can't be suggested that it's a whitewash, that it's been an internal investigation and one of their own has swept under the carpet a valid complaint. I think the feeling is that when unfair accusations have been made against the police, this provides them with an opportunity for them to have a finding that clears them.

**The Vice-Chair (Mr Allan K. McLean):** Thank you for appearing before the committee.

I would like to remind the members that we'll be meeting after lunch in room 151.

*The committee recessed at 1148 and resumed at 1403 in room 151.*

**The Vice-Chair:** I have a couple of small issues that I'd like to maybe clear up before we get into our schedule this afternoon.

There have been four names that have been picked as intended appointees: Neil Bullock, intended appointee as member, Farm Products Appeal Tribunal, which was a selection of the government party. We also have another certificate: Joe Miskokomon, intended appointee as member, Health Services Appeal Board, which is a government selection. We also have another one with the name of Mary Cline, who's an intended appointee as member of the Peel Regional Housing Authority, which was also

a government party pick. The other one is Martha Butterfield, intended appointee as member of the council of the Ontario College of Art, and that selection is by the official opposition. The first three were the government party's pick, and I understand that it will allow them to proceed without coming before the committee. That has been agreed to, to my knowledge.

**Mr Runciman:** It sounds a little too controversial to me, Mr Chairman.

**The Vice-Chair:** The other one is the selection of the official opposition, and would you allow that one to proceed without having them in? Apparently they can't come in at this time. Could they come in at a later date if they were so requested?

**Clerk of the Committee:** We were unable to reach them and I spoke to Mr Curling about it this morning.

**The Vice-Chair:** So Mr Curling agrees that we will let it proceed?

**Mr Curling:** We're going to substitute her for Gord Wilson. I saw him on the picket line down in Windsor.

**The Vice-Chair:** Okay. So that's agreed then; those can proceed.

MIA TSUJI

Review of intended appointment, selected by third party: Mia Tsuji, intended appointee as member, Ontario Board of Parole, central region.

**The Vice-Chair:** We will continue with our reviews and the first one this afternoon is Mia Tsuji. If you would like to make an opening statement or if you'd like to proceed right into the questions, we're at your—

**Ms Mia Tsuji:** I would like to proceed.

**The Vice-Chair:** Mr Runciman will be the first one; 10 minutes.

**Mr Runciman:** Welcome to the committee. I'm sure you've been apprised of the controversy surrounding parole board appointments, especially as it relates to the recent government announcement of the firing of the Chair, Mr Wadel, and the release of Clinton Suzack, who is one of the individuals found responsible for the murder of a Sudbury police officer. I'm just wondering, as you approach this appointment, how you view what's been happening in terms of the public response to decisions made by people other than yourself and how it's affected you, if at all.

**Ms Tsuji:** I think it certainly has affected that I've come here today. I thought it over and came to the conclusion that it's something that I have to take into consideration in any future work that I do. Having never sat at a parole board hearing and not really having been trained in all of the aspects of the parole board, I can only hope that any of my future decisions, any of my future work is careful and thoughtful and based on as much information as I can get considering all the cases.

**Mr Runciman:** Who interviewed you for this appointment? Who was involved?

**Ms Tsuji:** It was David Freedman and—

**Mr Runciman:** Who is David Freedman?

**Ms Tsuji:** The vice-chair of the central board of parole.



**Mr Runciman:** And one other individual from the parole board or from the ministry or from the Premier's office?

**Ms Tsuji:** I had his name.

**Mr Runciman:** And you don't know who they were representing?

**Ms Tsuji:** No.

**Mr Runciman:** Well, we can find that out later.

In your bio you've indicated—it's in your letter to the ministry, indicating an interest—your experience as a parole officer for Correctional Service Canada. That experience is only for six months. Why was it so brief and why did you leave the service?

**Ms Tsuji:** At the time I was attending Ryerson and I was taking a social work program. I was there on a student placement. At the time I was also performing the functions of a parole officer. I had the responsibilities and accountabilities of a parole officer. I was there on a student placement which ended at the end of the year.

**Mr Runciman:** Something else that sort of jumped out at me in your responsibilities with the MTHA, the race relations branch: I'm curious about how that might affect your approach to your experiences with responsibilities for race relations for MTHA and in your new responsibilities, if indeed you're confirmed as an appointee to the parole board. What's the relationship there, as you see it?

**Ms Tsuji:** Although I operated out of the race relations branch, I was the youth coordinator responsible for the youth operational strategy, which was a corporate initiative for Metro Housing. I didn't deal specifically with race relations issues but with the many issues which youth faced who were residents in Metro Housing.

**Mr Runciman:** Who approached you for this position? Did anyone approach you? How were you made aware of it?

**Ms Tsuji:** No, I found the ad in the newspaper and sent in an application through the mail.

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**Mr Runciman:** So you don't have any political affiliation; you've never had any political affiliation?

**Ms Tsuji:** No.

**Mr Runciman:** I wanted to talk about your attitude with respect to what's happened, especially with Clinton Suzack and an officer in northern Ontario who was shot by a parolee on parole from the Ontario parole board, as well. When you assume these responsibilities—as you will, given the government majority, if nothing else, on this committee—how would you view public safety in terms of the decision-making process?

We know in this instance that, with the Suzack case, we've had some of the facts come to light with respect to the individuals involved in the panel who made the decision to release him, that they didn't really take a close look at all of the information that was available to them, the fact there were outstanding warrants against Mr Suzack in the province of Alberta, that the police force in Sault Ste Marie had indicated that he posed a threat to society, those kinds of concerns that were virtually

ignored by the parole board—for reasons known best to them, I guess, by the three members who made that decision.

I'd like to hear your views with respect to how you are going to approach this very important role in terms of public safety, on which I give you my bias: Obviously I think it should be the primary focus and the primary concern of people making these kinds of decisions and I'd like to hear your views on how you are going to approach this very important responsibility.

**Ms Tsuji:** Well, I come into this position from that same basis. I believe that we have to keep in mind public safety at the forefront. In terms of how I intend to perform my function in this role, I would hope that my decisions are fair and reasonable and based on the information given to me. When I was interviewed I asked what kind of supervision and training is given and I'm hoping that there is a relationship between myself and my supervisor, that if I feel I don't have enough information, I can request that information, and that if I still haven't got that information, I can defer it to another time until I feel comfortable that I can actually make a decision which is in the public interest.

**Mr Runciman:** How long ago did you go through the interview process? How long ago was that?

**Ms Tsuji:** The process from the time I actually sent the application was possibly about six months ago. I can't be sure exactly.

**Mr Runciman:** And the actual interview? Have you gone through a series of interviews?

**Ms Tsuji:** No, I had the one interview.

**Mr Runciman:** And the one interview which involved someone from the parole board and another individual—we are not sure just whom that individual represents.

**Ms Tsuji:** I have it in my notes, but yes.

**Mr Runciman:** I'd like to know who that was prior to the conclusion, Mr Chairman, if we can have that information made available to us.

Was there any indication from the people you were interviewing, or when the final decision was made and you were told that you were the lucky contestant, of the kind of approach they wished you to take as an appointee? Was there any direction given, any suggestion whatsoever as to how you should conduct yourself as a member of the parole board?

**Ms Tsuji:** No, the interview itself was based on things like how do I view the role of the parole board. They asked me a lot of questions on how I felt someone should function in this role, but no one ever gave me any instruction at this point. I imagine that would come with my training.

**Mr Runciman:** How do you think you should function? What is the answer to that?

**Ms Tsuji:** I think I touched upon it earlier. I think the main thing is to first serve and protect society, if you're making reasonable and fair decisions.

**Mr Runciman:** Okay. I think I've exhausted my questions, Mr Chairman.

**Ms Carter:** Welcome to the committee. I don't think



you were so lucky to get this position. Could you tell us how many applicants there were? Do you have any idea?

**Ms Tsuji:** I'm not sure. I can only guess that it was around 50, and I'm not sure—

**Ms Carter:** I think actually it was more than that. I think it was 100. So I think you were selected because you were a good candidate, not because there was any lack of competition. There were many applicants.

I think we all accept that the board of parole is of the greatest importance and I think recent happenings have underlined that. We have a pretty high ratio of success—I think it's about 85%—but still the public has to be concerned about those cases where obviously it doesn't work out. So we still need to improve the system.

One suggestion that has been made is that instead of having personal judgement about who should be paroled and who shouldn't, we should just look at the statistics of the person involved, that actuarial science does predict an inmate's potential to reoffend. Do you think there are advantages to doing that rather than keeping the current system?

**Ms Tsuji:** I don't think it's a question of either/or. I think that any information that helps in making a decision is going to help, but I don't think the human element should be removed from something where you're judging human behaviour.

**Ms Carter:** Okay. So how can we improve accountability for the parole board? What mechanisms maybe should we be developing that are not there at the present to improve the performance? Do you have any ideas on that?

**Ms Tsuji:** At this time I'm not really familiar and haven't been through a training period where I understand the structure necessarily or the accountability of the parole board as a whole. For myself, I feel comfortable in the fact that I do have the supports and supervision in place and that my accountability is taken into consideration through at least that direct system.

**Ms Carter:** Obviously you have to make sure that all the information relevant is available to you and has been taken into account. So what do you think the role of the board is?

**Ms Tsuji:** I think it's a very serious role to take. Because I've worked in the community for so many years, I feel it's important to keep the community's interest in mind in terms of ensuring that in making a decision, I've made it based on information given to me by people who have worked with the offender a longer time than I have and to base my decisions on a feeling that, given all that information, when that person goes out there they're not going to reoffend and they're going to be a safe member of society and hopefully turn things around for themselves.

**Mr Marchese:** I just have a follow-up question with respect to the very first question that Miss Carter raised that would make it, I think, very difficult for most people to want to become parole officers, because as you say, it is a matter of judgement in the end. I personally don't know whether there is a science to it, as people say. The science is, well, if you committed so many different

crimes, either of a sexual nature or a crime where you've hurt or killed or maimed people, then that's enough of an indicator to tell that you're likely to reoffend. I think that's what they're getting at in terms of, is there a science? And so when people take this position and they come back with an answer that it's a matter of judgement in terms of whether you say yes to denying or deferring parole or granting it, it's a tough call. Why do people do it? So if we eliminate the science out of it—I think you were saying there might not be a science—then it's a matter of judgement. Do you feel comfortable with that?

**Ms Tsuji:** I think in all my experiences—I've worked with offenders, I've worked with victims of offences of numerous different crimes—the bottom line is, every day in the social services or in community work you are making decisions like that and you have to be comfortable. As long as I stick to the basic principles in decision-making, then at the end of the day, when I've made all my decisions, I have to feel comfortable with them and live with them and go on.

**Mr Marchese:** Let me ask you: If somebody has committed several crimes, if someone killed somebody or has committed enough sexual abuses against children and women, if that person has done it several times over a period of years, does that give you a sense, does that perhaps give you a clue that he or she—in this case he—is likely to reoffend again and that we might want to look seriously at whether we should be granting parole to such an individual? What is your view about those things?

**Ms Tsuji:** Certainly we have to take that into account and it does send up a lot of warning flags. But again, there's a lot more information involved than the simple record of the offender. We're looking at different reports. Have any behaviours changed? For instance, alcohol and drugs often play a role in a lot of these types of offences. Has this person been rehabilitated? Are they trying to make some very serious—and some attitudinal changes as well in their behaviours?

1420

**Mr Marchese:** That's the difficult question, obviously. It doesn't satisfy people in the public very much to say: "We're looking at the different factors. Has he been rehabilitated? Do we believe that? Have there been behavioral changes?" People say, "Yes, but do we believe that?" and in the end it's still a matter of judgement. So it gives very little security to the public out there that you're likely to make a good judgement about that.

**Ms Tsuji:** Hopefully, in selecting myself for a position like this, they look at past experiences in working with both counselling offenders and counselling victims, that there's also that instinct factor in working with people for so long that you get a sense that, are they paying lip-service? Last time did they pay lip-service? Some people put on a very good front. You kind of have to sift through all that information and try and get as much as you can. In any situation like that where you're very concerned about public safety and about someone reoffending who's got a long record of offences, yes, that's something you examine even more so, even more closely, if you're not examining them all just as closely anyway.



**Mr Daniel Waters (Muskoka-Georgian Bay):** Just picking up on what Mr Marchese was saying, because of the instance he brought forward which was basically a murder or major crimes, for the most part you wouldn't be dealing with that, would you? You're dealing with provincial offences, not federal offences, and indeed what he's brought out there is pretty much a federal offence. I'm not saying that people who are held in provincial jails are necessarily not violent people. I know there are violent people being held provincially, but on the scale—and maybe that's something the parole board looks at. I don't know whether it looks at, how many times does a person go up for aggravated assault before they commit a greater crime?

Maybe there are some stats on that. But for the most part I believe you're dealing with people who are doing two years less a day.

**Ms Tsuji:** Yes, that's my understanding.

**Mr Waters:** Therefore, for the real violent crimes, I guess the offenders are in the federal bailiwick, which you wouldn't be dealing with at all.

**Mr Runciman:** Not necessarily.

**Mr Waters:** And that's what I'm saying, but for the most part—I'm not saying in entirety. There are always people who maybe have offended and have been through the federal system and are coming back through again and this time it is a lesser offence and they're in the provincial. Do you know if there's any follow-up between the two?

**Ms Tsuji:** If there's any—

**Mr Waters:** The two systems.

**Ms Tsuji:** Sorry, I don't understand.

**Mr Waters:** Whether the federal system and the provincial system actually sit down and look at an offender in the overall—

**Ms Tsuji:** I don't know.

**Mr Waters:** I just have one more thing, and actually it's in answer to Mr Runciman's question. I've done a bit of homework in the interim, and the people who did the interview were Adam DiCarlo, and he's the minister's adviser to the appointments, and David Freedman, who is the vice-chair of the Ontario parole board for the central region. Just to let you know, those were the two people, as a matter of information.

**Mr Tim Murphy (St George-St David):** I have a couple of questions. As you know, the now revoked appointment of the chair, Don Wadel, was quoted about a year ago as saying he was concerned that the Ontario parole board wasn't releasing enough people when you compared the statistics in Ontario to the statistics across Canada and that he thought it would be better if we got ours up. I'm wondering what your reaction is to that, whether you agree with it or not. If you agree with it, why, and if not, why not?

**Ms Tsuji:** As for as my role in making decisions, my understanding is that the reason for the parole board doing these individual hearings is to look at each individual case and to make a decision based on all the information on that individual case. As far as I'm concerned,

however the numbers add up at the end of the day is how they add up. I don't think it's a goal per se as much as what happens afterwards.

**Mr Murphy:** I see from your résumé that you've spent some time working in programs dealing with race relations, and systemic racism concerns in one case. I think in fact systemic racism seemed to have been part of the responsibility at the MTHA, for example. I saw that in that part of the résumé.

**Ms Tsuji:** To a degree, yes.

**Mr Murphy:** I'm wondering how you view systemic racism's concerns impacting or influencing a decision whether or not to release an offender in a particular case.

**Ms Tsuji:** I think it's a positive thing to have people from the community chosen to be in these types of positions. The issue of equity—

**Mr Runciman:** Why?

**Ms Tsuji:** Pardon me?

**Mr Murphy:** You can answer that when it's his turn.

**Ms Tsuji:** When we're looking at taking a sampling of the population to sit on these boards, we're not only talking about having equity practice in terms of—

**Mr Murphy:** I want you to focus on a decision whether or not to release an offender and whether and if your concern about systemic racism and practice would influence, if at all, that decision.

**Ms Tsuji:** Right, I'm getting to it. What I'm saying is that I think the parole board reflects the inmate population as well as the general population, and by having women, having ethnic minorities, having different religions, that type of thing, you're minimizing any biases that could take place so that what you're actually making decisions on are the facts and not on personal biases.

**Mr Murphy:** I'm wondering if you believe parole board hearings should be open to the public.

**Ms Tsuji:** I hold myself accountable. I have no problems being accountable to the public and I actually come to this as a representative of the public. In terms of it being a policy, that's not something I can speak on because it's not something I've had any information on or know anything about at this time.

**Mr Murphy:** Because you don't have any information, you don't have a view one way or the other at this point.

**Ms Tsuji:** No.

**Mr Murphy:** What about a notion of making parole board members more accountable to the public through a discipline process, through a legislative accountability? Would you support that?

**Ms Tsuji:** At this point, I don't even know what the accountability is. I know that, for myself, I am supervised and I am accountable for my decisions.

**Mr Murphy:** In your covering letter when you applied for it, you referred to part of the job as being "the delicate balance between the rights of the offenders and the protection of society."

I was wondering what rights you saw the offender had, and has, in that hearing process and the decision you



would have to make as the parole board member.

**Ms Tsuji:** As I said before, and it is my strongest feeling, I'm looking first of all in the public interest, and I've worked with both offenders and victims of offences. I think in terms of an offender coming up for parole, it's in the public's interest that the person gets the types of supports necessary, and if by releasing them on parole with a good parole plan in place—I can see that as being beneficial both to the offender and to the community.

**Mr Murphy:** It's just that your letter refers to a balance between the rights of the offender and protection of society and I'm just trying to get at what you meant when you put that in your letter. What rights does the offender have as far as you're concerned and as you expressed it in your letter?

**Ms Tsuji:** I think they have a right to show, through their actions during their incarceration and through their interview, whether or not they are making changes in their behaviours.

1430

**Mr Murphy:** One last question and then Mr Curling is going to ask you some questions. This is to give you an opportunity really to explain for us on the record. I know you have mentioned I guess it's five months as a student placement as a parole officer with Correctional Service Canada, and I'm wondering what other specific experience you have with the criminal justice system other than that, if you could just outline that for me.

**Ms Tsuji:** As you can see in my résumé, I've done a lot of different work in communities. I've done a lot of youth work, a lot of work in residential homes for youth and that type of work. A lot of times we had offenders. I've also done some work with young offenders, which has given me some exposure, not an intense exposure, but some exposure to the system.

**Mr Curling:** You seem to have taken this role much more seriously than the members on the government bench over there. May I ask the question then, just to confirm what I'm hearing from you, do you feel there are criminals in the provincial system just as dangerous as there are in the federal system?

**Ms Tsuji:** Very possibly. I haven't seen any of the cases but I imagine violence is violence and criminal acts are criminal acts.

**Mr Curling:** Yes, thanks, because what I was hearing from the members of the government bench was that it wasn't so. Considering that the government with its knee-jerk attitude fired the chair as soon as the decision itself was not up to scratch, as they had thought, does that in any way affect your coming on to the board, feeling that any time the minister, when his job is being threatened, will say, "I think I should get rid of a couple of people on the parole board"? How do you feel coming to a board like that?

**Ms Tsuji:** Had I already been on the board for a year, I might have different feelings in terms of having an upset in the work I was doing, but coming in, I feel like I get a chance to have a fresh start. I still haven't changed any of my attitudes in terms of what my role is and what my commitment is, and in terms of my consist-

ency, I hope to ensure that more than anything else.

**Mr Curling:** And you hope that your performance itself would not in any way cause the minister of the day, if the job is threatened, to say you should go because the community may react to this? You feel confident in your role and your ability, that with the kind of performance you would do, you would not be subjected to that kind of attitude by a minister?

**Ms Tsuji:** I think my role is directly with the work I do and not necessarily anything to do with the political arena or policy or that type of issue. I think as long as I'm looking at the cases and sticking to that role, it's safe to say that I'm comfortable with the work.

**Mr Curling:** As to your coming on the board itself, I'm sure that all parties or whomever, the government, wants diversity on the board and they see you as someone who would make a special contribution. What special contribution do you see you can make on this parole board with this new kind of definition of change each day as the minister gets frightened about his position? What contribution do you think you could make on this parole board?

**Ms Tsuji:** I think I'd bring to this parole board a variety of perspectives. I represent a number of different, I guess, communities or types of groups in the community. I don't know that at the time of my appointment, because I was interviewed on the phone—nobody had actually seen me or known what kind of groups I represent, other than women. I feel that my past experience in working with people is going to be helpful in making judgements about human behaviour.

**Mr Curling:** Tell me then, what's the duration of your time on the board? Has it been determined already?

**Ms Tsuji:** One year, I believe.

**Mr Curling:** It's for one year.

**Ms Tsuji:** Renewable.

**Mr Curling:** Have you ever served on any other board of this nature before?

**Ms Tsuji:** Public board? No.

**Mr Curling:** Okay. I have no further questions.

**Mr Murphy:** I have one brief follow-up. You said—

**The Chair:** No, I'm sorry, that's the time.

**Mr McLean:** I just have two questions. What is the right balance? Has it been too heavy towards the offender? In your résumé you're talking about a "delicate balance between the rights of the offender vs the protection of society." In your opinion, what is the right balance?

**Ms Tsuji:** It's important not to ignore the offender's rights in terms of if an offender has demonstrated seriously seeking rehabilitation, making moves towards that rehabilitation, there's merit to that and that should be considered. If that person is also seeking support in the community, those rights should be defended in terms of let's put in place a parole plan which supports that. In turn again that then serves the community by ensuring we're doing everything we can so that this person is not forced to reoffend in any way or feels that he's forced to reoffend.



**Mr McLean:** The maximum is two years less a day. What is the need for a parole board in the first place? If it's two years less a day, couldn't there be a system put in place that could monitor what they do after they get out of prison? Why do we have to have a parole board to determine if they should get out early? Why should they get out early?

*Interjection.*

**Mr McLean:** It's my question you should be referring to. Why is it that they should get out early?

**Ms Tsuji:** Well, as I said, if someone were to be let out, and say there are no conditions we can place on them, that might be more dangerous to society, I think, than should we have a parole plan in place so that we can monitor them for that period of time and provide the supports and the supervision necessary for that offender.

**The Chair:** Thank you.

**Mr McLean:** What I'm saying is, put the plan in place after they get out, then monitor it, not before.

**The Chair:** That completes the rotation. Thank you, Ms Tsuji, for your appearance before the committee this afternoon.

MARGARET BUCHANAN

Review of intended appointment, selected by official opposition party: Margaret Buchanan, intended appointee as member, police services board, city of Orillia.

**The Chair:** Our next intended appointment for review this afternoon is Ms Margaret Buchanan. Ms Buchanan, welcome to the committee and make yourself comfortable.

**Mr Cleary:** Welcome to the committee. The first question I have is on everyone's mind these days, Bill C-68, the proposed new Firearms Act of the federal government. I'm sure you're familiar with the federal initiatives.

**Ms Margaret Buchanan:** Yes, I've read some about them.

**Mr Cleary:** Could you give us your opinion, please?

**Ms Buchanan:** This is regarding the changing to the use of the guns?

**Mr Cleary:** Firearms, yes.

**Ms Buchanan:** Correct. Do you want me to respond in terms of the local community?

**Mr Cleary:** I'd like your opinion, yes, on how you feel about it.

**Ms Buchanan:** Okay. I think there was quite an extensive study done prior to developing the bill, and the reason for it was in terms of supporting officer safety. I certainly would concur with anything that would enhance that area of policing.

**Mr Cleary:** So it has your support, then?

**Ms Buchanan:** Yes.

**Mr Cleary:** The next question I have is that many municipalities in Ontario are not very happy with the makeup of police boards in the province, namely, because there are three provincial appointments and two municipal appointments. How do you feel about that?

**Ms Buchanan:** Can you elaborate for me why that would be a concern?

**Mr Cleary:** On the police services board you're going on, you're going to be a provincial appointment, and on that board you have two other provincial appointments, and the municipality only has the right to put two on that board. Many municipalities are not very happy about that. I'd like your comments on that.

**Ms Buchanan:** I feel it's more the integrity of the individual board members, and I feel that if each board member is working effectively, the appointment area should not be a huge issue. Also in terms of the city council support, even though I would be on there as an appointee, I'm there as a member of Orillia, as a taxpaying member, so I have a lot of support as well for the city of Orillia.

1440

**Mr Cleary:** As I said earlier, many municipalities do not support that. They figure that they raise the tax dollars and they're being dictated to by the province, and they're really objecting to it. In fact, some of the local associations are supporting them in some ways right at the moment. I'm sure you're aware of all that.

**Ms Buchanan:** If I'm a board member, I think it's up to me, as I say, to be an effective board member, and if there are changes that are occurring to the status of the board, certainly we would have to look at that as well.

**Mr Daigeler:** Looking at your CV, I'm wondering why you're interested in serving on the police services board. You've certainly got an interesting background including, I note here, studies in Anglo-Irish relations. What is your interest in the police services board?

**Ms Buchanan:** In my present job and for about the last three years I have been in contact with police officers at various times, in the counselling position, because of the students I work with who may have been involved in issues of family violence—that would be one—and several times in terms of stalking cases as well. So frequently I've been in touch with both police officers and also probation and parole.

On the board I serve on for the community service order positions there are police officers represented on that, and that's something that ties in directly, I feel, with a number of judicial issues in terms of how they want to look at an adult alternative measures program in the community, as well as the community service order positions, so I've had a lot of background in that. Something that's not on my résumé is that when I worked at Huronia Regional Centre I was a volunteer coordinator there, and we were in the position of placing people who were young offenders themselves.

**Mr Daigeler:** What is this community services order?

**Ms Buchanan:** It's a program that I believe almost every community has, or communities of a certain size. It's similar to a diversion program, where youth who may have been charged through the courts, rather than being placed on formal probation, are required to do some community restitution.

**Mr Daigeler:** I see, and you serve as a volunteer.

**Ms Buchanan:** Yes, in various agencies.

**Mr Daigeler:** This is affiliated with whom, the police services?



**Ms Buchanan:** Yes, it's through the ministry of probation and parole, primarily.

**Mr Curling:** The police services board, as you know, is quite an important issue, and my colleague raised with you earlier the components and what constitutes those who make up the board. I think one of the things he was trying to emphasize was that the appointment process was not properly done. You are coming to the board I presume to make some sort of contribution to make sure people are represented properly. Do you know all the members of the board who are on the board now?

**Ms Buchanan:** Yes.

**Mr Curling:** Are you happy with that? Do you know about the concern of the different municipalities about a component of the board?

**Ms Buchanan:** I know there are several major local issues facing the board currently, and I guess I've been focusing more in terms of knowing that the board has a significant responsibility right now. But in terms of an ongoing dispute around the balance within boards, I'm not as clear on all the ramifications of that, no.

**Mr Cleary:** I'm sure the board you're going on to must have been contacted by some other municipalities that are not happy: provincial people dictating to the municipal people, who raise the funds to pay the bills. I happen to come from eastern Ontario, namely the Cornwall area, and there's a big dispute going on there right now where the mayor of Cornwall, who was on the board, was asked to be taken off the board by some provincial bureaucrat. It's really hit the fan at the moment, and I'm sure it will spill over into your area.

**Mr Curling:** Terrible. Political interference, eh?

**Mr Runciman:** On a point of order: Can the member elaborate? What's hit the fan?

**Mr Cleary:** The shamrocks on the 17th. Anyway, that's something that's been going on that we've been following very closely in our area. The municipal people are really all behind supporting that the municipal people stay on the board, and they hate to be dictated to by the province, namely, not representatives on the board.

**Ms Buchanan:** I think it's a controversial issue as well for the municipal board members, because I think there's an issue there in terms of, do they have some increased status or do they already have their own agenda in terms of municipal funding and support.

**Mr Cleary:** There's a controversy with the chairman of the board, who is now chairman of the police board. He's a provincial appointment.

**Mr Curling:** It's the NDP fellow.

**Mr Cleary:** He was the one who happened to run against me in the last provincial election. There's a big dispute going on at the moment.

**Mr Curling:** That they're paying him off.

**Mr Cleary:** That's a real controversy. I just thought that since you're here, I said I'm going to mention it to the first person who's appointed to a police board. You happen to be the first. So you'll hear more about it.

**Ms Buchanan:** I appreciate you making me aware of the controversy. I can't speak to that issue any further.

**Mr Curling:** We have a minute, eh?

**The Chair:** No, you don't have a minute.

**Mr Curling:** I can't ask her about employment equity.

**The Chair:** No. You could ask somebody else on another occasion perhaps.

**Mr McLean:** Welcome to the committee. I saw your name on the list, but I thought we needed you immediately on the board so I didn't call you. I found out later that somebody else did, so since you're here, I'm going to ask some questions.

**Ms Buchanan:** It's nice to be here.

**Mr McLean:** The controversy in Orillia today is a major one that will probably be the most major one of this council's term of office.

**Ms Buchanan:** Yes.

**Mr McLean:** It would be interesting to know your opinion with regard to the OPP takeover or proposal that's before us. How do you feel about that?

**Ms Buchanan:** I picked up a copy of the costing proposal when it was made public, and I have reviewed it. There are some significant issues in there to be considered. I don't see this as something that can be taken lightly at all. There's a very emotional issue involved in terms of the local police, in terms of what it means to them on a personal level and job level and so on. On the other hand, I can understand the city of Orillia wanting to thoroughly look at it and make sure it makes the right decision when there's that amount of money involved. But in studying the report, I see a lot of areas that need to be explored further in terms of whether there are the real savings there that are indicated.

**Mr McLean:** I've often wondered if perhaps there shouldn't be an individual consultant, other than who's involved now, doing an overall in-depth study of what the recommendation is, because we've got two forces looking at it. It's a major, major document. You will have, as Mr Cleary said, three members to two from the council. I know some of the other members are very much opposed to OPP takeover and would be supporting the city police. Are you in any position yet to indicate which way you would like to see it go or would prefer it go?

**Ms Buchanan:** As a citizen of Orillia—and in my interest in the police services board back three years ago I was interested in a position on the board—I always was one of those people who expected that there would be a local police force. Clearly, this has been new to me, to consider something else. As a parent, I like the in-school education programs; I like the community policing initiatives and all those kinds of things, but I can't speak to any definitive position I have right now.

1450

**Mr McLean:** That's pretty difficult, but I'd like to see the local police remain, if we're within the ballpark, very close. I can understand the city's concern with regard to the saving of costs: It's major. But is it really that major when you get down into the fine print of it?

**Ms Buchanan:** My initial review seemed to indicate



there would be a lot of other expenses.

**Mr McLean:** Yes.

I want to move on to another area that concerns me, and I heard it on the news today. It has to do with the casino, and the police services board will be involved. In Windsor, they have had to hire 25 new police, and the province gives them \$1 million in funds for policing. But also in that report at noon today, the compulsive gamblers association in Windsor has increased by 200 people being counselled now, over and above what there was, from the casino. Do you think that will happen in our community?

**Ms Buchanan:** People have told me that there'll always be more work for me in counselling if it comes, and I say that as a light-hearted response, not to be facetious.

But I think one of the issues that's different for us in Orillia is that the casino will be based not in the city of Orillia, so we're back again in dealing with policing issues in terms of both the OPP and the city of Orillia. But I think the spinoffs of it will certainly affect the city.

That's one of the things, if the city of Orillia police force remains: It has to be in a position to look forward to the future in terms of what that's going to need, in terms of training, in terms of native issues, in terms of a lot of other things that everybody, not just the police but everyone in our community, needs some more exposure to.

**Mr McLean:** I will refer to the question of pay equity. My understanding is that the city of Orillia police has a program in place, and it's very up-to-date, one of the most modern in Ontario. Would you agree with that? Are you familiar with it?

**Ms Buchanan:** I'm very familiar with the pay equity legislation, and I hope they have a plan in place and it's current.

**Mr McLean:** Yes, they have.

One of the other areas I want to talk about is the makeup of the board, and Mr Cleary raised the issue. The municipalities across the province pay about 85% of the cost of policing, and yet our police boards are made up of a majority appointed by the province. They don't feel that is appropriate. It's unfair to ask you what you think of it because you have not really been involved in it yet. Maybe just a comment by me that I think municipalities have a legitimate beef when they're doing most of the paying.

Gun control is another major issue. Can I have your views with regard to the gun control programs in Canada, in Ontario in particular, the licensing and the registering of firearms?

**Ms Buchanan:** I do agree with that. I do agree with the need to licence and register firearms. Again it's a very emotional issue for a lot of people, and some people seem to feel it's an intrusion on their privacy to do so. But I know that within the Orillia area there's been a significant increase in the number of robberies in the last while, and some of them were reported even in the Toronto papers. I can't ignore the fact that we are becoming a society that needs to pay more attention to

the use of firearms, and I think that's really why it's key for the police to be well protected there, because of what's happening.

**Mr McLean:** Another question is with regard to your appointment. Do you have anything major or one main reason you want to be on the Orillia Police Services Board? Is there something you would like to see changed, or a priority you might like to have some input into?

**Ms Buchanan:** I think it would be in terms of issues of family violence and assault against women. That's an area I've been involved in for 20 years. I say this not against police in any way, but I'm not sure what progress we've made as a society, and I see that as an area I'd really like to learn more about in terms of what their experience is and what they're doing and what kinds of things we can do to help support that area.

**Mr McLean:** The other area is community policing. I'd like to see about four sections of the city, quartered off, and each police be responsible for each section, walking the beat, being seen more. We used to have that—there was a write-up in yesterday's paper, I believe—and I haven't seen a policeman in my street since I can't remember when. Should there be more emphasis on that type of community policing, in your opinion?

**Ms Buchanan:** I like that. I also like some of the other kinds of community policing issues they've done in terms of involving citizens more as sort of parapolice, in terms of working with them. I like that approach. I know it's an issue, because to see a police officer on the streets now almost draws attention to the fact, because we're not used to it. I don't like that.

**Mr McLean:** I wish you well.

**Ms Buchanan:** Thank you very much.

**Mr Frankford:** Welcome. I don't think it was fair for you to be asked about the composition of the boards, but for your interest, it was Liberal legislation that produced the current balance, so Mr Cleary might want to go back to his party to—

**Ms Buchanan:** I'm certainly aware now that it's a controversial issue.

**Mr Frankford:** I was going to ask you about the types of policing and crime problems that exist in Orillia, and then I noticed we've been kindly provided with statistics by the researcher. Have you seen these yourself?

**Ms Buchanan:** No, I haven't.

**Mr Frankford:** I'm sure you will. I find them quite interesting. It gives a breakdown of the police work in Orillia, comparing 1993 and 1994, and we could, I'm sure, form all sorts of interesting conclusions about what the needs are there. On the question of robbery, which you mentioned, I think your impression is correct, that in 1993 there were 14 robberies and in 1994 there were 28, which is a 100% change, while for the majority of crimes there's actually a decrease. Perhaps the conclusion is, in a way, that more things stay the same than are getting worse. But this is obviously going to be very helpful in your work, to get a handle on what is really going on.

I also noticed, rather interestingly, that on another page there are the non-crime calls, a whole lot of interesting



things. Trouble with youth appears to be increasing from 405 incidents to 457, and neighbour disputes have increased 54%, from 63 to 97. Are they no longer as neighbourly in Orillia?

I'll pass to Mr Waters, but I draw this to your attention. I think it's a useful example of the value of statistics, which I have been trying to emphasize on many occasions.

**Mr Waters:** Good afternoon. As a person who has lived with the OPP for the past 20 years as the municipal police force, it took us 20 years to get them to come into our towns after we got them as our town police force. So just going to the OPP is not necessarily the answer.

**Mr Runciman:** Are you paying for them?

**Mr Waters:** We have a contract, unlike most areas. As part of the Muskoka act, we got ripped off on everything else and the only thing we got out of it was policing for free. We're paying dearly for it. Look at our assessment situation and our tax situation in Muskoka relative to our neighbours and you'll find out that we pay very dearly for OPP policing.

1500

After living through that for 20 years, if I had some suggestions for you, I would make sure that if you were going into a contract with the OPP, that indeed the contract include the number of officers per shift, the number of vehicles per shift and all of those things in great detail. Anything short of that may not represent a police force of the type and makeup you have at the present time.

Indeed, instead of enhancing, as Mr McLean said, the street patrol officers or the foot patrol officers, you might end up having to call a police officer in from the OPP station, or what's even better in central Ontario is calling central dispatch in Barrie and having to explain to them where you are within your community, because that's where the OPP are dispatched out of.

If I had anything to say about this, to give you some guidance as you go into this, it is make sure that you check everything. If indeed the OPP are doing it, make sure their dispatch is local or something so that they understand your streets, understand the makeup of your community.

**Ms Buchanan:** That is an issue. Certainly there've been significant cases mentioned in the Toronto papers of some very, very serious occurrences that happened with that. So I am very, very aware of that.

**Mr Waters:** We had OPP policing in Gravenhurst, as I said, for 20 years, and just last year was the first time we had a police station in 20 years. That's what you get. We signed an agreement saying "policing." We didn't sign an agreement saying, "X number of officers and X number of cruisers on a 24-hour basis in our community." We got policing. We just didn't get what we feel is adequate policing. It's not the fault of the OPP, it's the fault of the government of the day, both at the district level in Muskoka and their provincial counterparts. They negotiated it and we got exactly what they negotiated, which was virtually nothing for 20 years. Orillia's going to be an interesting place over the next while.

**Ms Buchanan:** Yes, it will be.

**Mr Waters:** There're a lot of things happening in Orillia. The college seems to grow every year.

**Mr McLean:** They've got a good member there.

**Mr Waters:** The guy just north or the one just south or the central Ontario team?

You've got the college. You're about to have the OPP head office. They're gradually moving in over the summer and it will be opened up. The casino's going to be on your borders. There are going to be lots of changes.

I've heard a lot of comment about the makeup of the board, where people come from and provincial appointments. I got looking at your CV that you put before us. You're now employed at Georgian College and you work with the students. Before that you were employed at Huronia Regional Centre, another major employer. I look at your education background; a wonderful background there. I look at your volunteer experience. You list so many different things that you're active in on a voluntary basis around the community.

I don't think it would matter whether you were a provincial appointee or went to the municipal level. To me, you're the type of person who should be on the committee because you're involved in the community. You touch the community in so many different places that you can bring a number of perspectives to that community and reach out and touch people in so many ways that people will talk to you. I'd just like to congratulate you on hopefully your appointment here later this afternoon and wish you well.

**Ms Buchanan:** Thank you.

**Mr Waters:** It's going to be an interesting time for you over the next while, as it is for all of us in central Ontario. I think there are some major changes happening finally in central Ontario, in our areas, and it's going to be indeed a pleasure to be working with you.

**The Chair:** If there are no further questions from the government members, that completes the round of the caucus members. Thank you for your appearance before the committee this afternoon, Ms Buchanan.

**Ms Buchanan:** It was educational for me too.

LYNDA TANAKA

Review of intended appointment, selected by government party: Lynda Tanaka, intended appointee as vice-chair, Ontario Racing Commission.

**The Chair:** Welcome to the committee, Ms Tanaka. This is a selection by the government party, so we will start with Mr Waters.

**Mr Waters:** When we look through the racing commission—and I think we've had some people in the last while here before us—there has been a lot of concern over the last couple of years about what's going to happen to horse racing with the casino.

I'd like your opinion because we're about to have a second casino with a racetrack, what, 20 miles down the road, Al? So I wouldn't mind your opinion. Do you really think horse racing is in danger in the province now that casinos have been introduced?



**Ms Lynda Tanaka:** The little bit of information that I've had in my discussions with Mr Sadinsky, the chair, and in review of what Mr McGirr told this committee and just the reading I've done indicates that there has been a mixed experience in North America with respect to the success of horse racing and gambling and that the industry itself is tackling it head on.

They're watching Windsor. They seem to have made some good decisions about planning Windsor. If they can learn from Windsor and if they can learn from the other communities that have had this happen and if the new casino and the Barrie racetrack can plan effectively—I think that everyone is pretty bullish about the opportunity to make money out of this, to make it successful. That doesn't mean it's a done deal, that it's going to be successful. It means it's going to take a lot of hard work, and what I'm hearing is this industry, having faced the enemy without casinos headlong, is really in a sort of an exciting time.

What I've had communicated to me is a sense of excitement, of promise, of direction, of taking control. I don't think anyone can say it's going to work or it's not going to work. I think you can say, "It will work if people work hard at it." If people won't, then maybe things will drift and there'll be a disaster. But people seem to be willing to work at it, and I think that's very promising. I'm not an industry person, but what I hear and what I've read is that they have a sense of excitement, that they are taking control and moving forward.

**Mr Waters:** That'd be my only question because it's been something having a casino coming in on our borders—those of two members of this committee—that I was interested in, and I thank you for your comments.

**Mr Frankford:** Just following up on this: It seems to me that offtrack betting and teletheatres are perhaps the key to a linkage between gambling and economic development and the probable future viability of the racing industry in the province.

The little experience that we have in my area in Scarborough, where there is a teletheatre, which I believe is doing quite well and has certainly not had any detrimental effects and I think in fact strengthens the local economic activity, suggests to me that there are some good things that could happen even in areas which don't have any direct racing operations. Would you like to comment on that?

**Ms Tanaka:** Teletheatre has been put to me as one of the key issues in terms of development of the industry. When you look at the statistics in the annual reports and look at the wagering that comes through teletheatres, it looks like an excellent mechanism for generating more revenue, but it's also a classic example of foresight.

They don't put a teletheatre in unless it's licensed by the liquor board. That's an intelligent thing to do because you've got another body that has a specific area of responsibility that has to take into account the local public interest. That kind of planning and foresight, I think, is one of the reasons teletheatre is doing well; I gather it's doing very well. But again, it is regarded as a challenge. We seem to be, in the industry, on the edge of real potential for change, but positive change.

**Mr Frankford:** I believe, to enlarge on that, that you can make it, shall I say, more specialized and niche-marketed, if you'll pardon the expression. Are there not some Chinese-oriented ones which get the races from Hong Kong?

**Ms Tanaka:** I gather Hong Kong has a long history of horse racing, a long tradition of horse racing. I recognize in the sector strategy that there are funds being put into marketing and getting expertise and that's certainly, in my view, appropriate. If niche marketing can anticipate and can expand both the number of people who participate in horse racing and the number of people who just bet, then that's all to the good because it generates money for everybody.

1510

**Mr Frankford:** I'm glad to see your understanding and your enthusiasm for what I think really could be a very useful spin-off into local economic development. I look forward to seeing what happens when you're a member.

**Mr Daigeler:** Welcome to the committee. I see you certainly have an excellent background in law. Your peers I guess appreciate your service. I shouldn't be surprised to find lawyers everywhere, but I do wonder why you would want to be on the racing commission.

**Ms Tanaka:** I want to be on the racing commission because I've spent 20 years being an advocate before different administrative tribunals and this position gives me an opportunity to be a decision-maker, to participate in a commission which has one of the broadest jurisdictions in terms of the types of power that administrative tribunals have.

To me, as an administrative law lawyer who has watched that area of law grow over 20 years, these kinds of powers—if you think about a Windows computer screen and you have all the little boxes across the top and you click on it and down comes a menu, well, in my mind I look across the top and there's the jurisdiction of the tribunal and I click on a window and here are all these wonderful issues. So intellectually it's very exciting.

It's an opportunity for me to work with Stanley Sadinsky, who's a very highly regarded individual. It's an opportunity for me to participate in something—I'll call it constructive. This is a large industry for the province. It generates money for the province, it generates employment for the province. In my 20 years I've gone through three recessions as a lawyer and you see a fair amount of grief walk through your office as a lawyer, impacted by economic recession. There's an opportunity here for me to give public service in a different way than I ever have before, not profession-oriented so much, but at the same time enhance my skills as an administrative law lawyer.

**Mr Daigeler:** I like your analogy there with the screens and then all of a sudden all the little figures pop up. But, you see, sometimes I'd like the world to work that way too, but usually, and I would say fortunately, the world doesn't quite work like a computer yet. There's a lot of illogic in there and I think that's for the good of it. That's just an aside. You brought that up and I don't think in your work either it will all fit in nicely the way



it might or should happen. We have to be prepared for the unexpected, but I'm sure you will be.

What kind of a time commitment do you expect this to be for you? I see it is a part-time appointment but, nevertheless, you're being appointed as vice-chair. What kind of a time commitment are you prepared to make or have they told you it will require of you?

**Ms Tanaka:** That was one of my early questions to the chair, Mr Sadinsky, and he indicated to me that I should be prepared for four days a month, that normally a member would have three days but the vice-chair would have four days. The commission right now is under-powered because the vice-chair position is open. That leaves Mr Sadinsky with some lack of flexibility in terms of scheduling of hearings and that kind of thing, whereas if you fill the vice-chair position and fill it quickly, the plan from Mr Sadinsky's point of view is that we would have some hearings together and then he will chair panels of the tribunal and I would chair panels of the tribunal.

We've discussed the new power in chairs to appoint single-member panels and he has indicated he prefers to have multi-member panels regulating this industry and that's fine. But it's important that whoever is appointed as vice-chair get in, get some experience in terms of how the commission conducts its hearings—because they're all different; all the tribunals are a bit different—and then get the workload. Now, if there are 100 hearings a year, which I think was one of the statistics I saw, if you have an experienced vice-chair and chair, you can have 50 panels chaired by each and that works out to about four a month. You could do two hearings a day.

**Mr Cleary:** Welcome to the committee. Most of my questions have been answered here. Why you wanted on the board was my main reason to put my hand up. But anyway, the makeup of the board is how many people at the moment?

**Ms Tanaka:** There are six right now and the vice-chair's position is vacant. The chair is a lawyer and the five members are industry people.

**Mr Cleary:** That's what I read in some of our briefing notes, that it was made up of between three and seven. So you have six at the moment. I know that anyone who was as interested to get on the board as you were, at least from your remarks, must go there with an agenda and probably would like to see some changes. We would like to know what changes you would like to see, if any.

**Ms Tanaka:** I'm not really going with my own agenda. I asked Mr Sadinsky what he regarded as the theme of the racing commission. At the Ontario Municipal Board the theme is good planning, and you have the labour board and the theme is the integrity of the collective bargaining structure and system. His response to me was that the theme of the racing commission is regulating the industry in the public interest.

The industry at this point is in a transition. You have four positions that have been filled in the past year or will be filled within a year period, out of seven. That's a pretty significant change in personnel. You have the sector strategy, which has been operating for a while and

is moving forward, you have the casino experience, which is new but settling into a pattern, and you have the interesting problems of a few years' experience of teletheatres.

My agenda would be to get up to speed in terms of my knowledge of the commission and how it functions, to get as much industry knowledge as I can from the other members and from doing some reading and to try and ensure that the industry understands that there is value in consistency, that when they plan their affairs so as to comply with the regulatory structure, there is a respect for decisions that have been made in the past and the way people have organized their affairs so as to comply with commission regulations and that it's business as usual. Now, it's always better to be right than consistent, but consistency has merit. So that's basically where I'm coming from.

**Mr Cleary:** I know that we've had many of the owners in to see us, the owners of the horses, and they have great concerns and in the statistics we have in front of us since 1980 to 1993, there's been a downward trend, so you have a big challenge ahead of you and I wish you well.

**Mr McLean:** Welcome to the committee, Ms Tanaka. Fort Erie Race Track almost closed down two years ago; it's still in operation. Can you tell me today where Flamboro is? Is it going to reopen? It's not open now; there's some dispute there.

**Ms Tanaka:** Yes, and I gather that the dispute relates to a disagreement between the owner of the racetrack and the horsemen. It is still dark and there has been an appearance before the commission. I've read the decision that the commission issued as a result of that, and the commission expressed the view to the parties that they move forward and resolve their problems. It doesn't seem to be a good thing to have a licensed racetrack with race days dark.

1520

**Mr McLean:** Right. Greenwood closed down last year. Do you feel that was the proper step to take, to move it to Woodbine, or would you, in your opinion, like to have seen Greenwood still in operation?

**Ms Tanaka:** Well, I don't know very much about the history of Greenwood, other than as a citizen of Toronto I've watched the newspapers and I've lived here all my life and Greenwood has always been there. I remember when the new Woodbine was built and how exciting it was. I guess I have to say I have heard doubts about the wisdom of closing what was one of the continent's most profitable standardbred racing facilities, and I don't think it's appropriate for me to second-guess those decision-makers.

If there are problems the industry is facing as a result of that closure, if things haven't worked out the way they felt they would, with all their planning, and if the commission has a role to play in getting the jockey club and racing in the Toronto area on a more stable footing, then that's one of the jobs of the commission.

**Mr McLean:** There is one way to do that, and that would be to cut the tax from 5% to 2%, which the jockey



club wants to do. In your position on the racing commission, would you support the jockey club to have that reduced to 2%?

**Ms Tanaka:** I would have to listen to everything that all the parties had to say about it. You know, I'm going to be sitting as a tribunal member, and I gather my job is best discharged if I listen patiently and politely. If they've got a good case that's better than somebody else's case for that tax, then—if the commission has the authority to deal with the tax. I thought the tax was set in the legislation and it's going to be your problem, Mr McLean.

**Mr McLean:** But we were looking for a recommendation from the jockey club, and they are recommending that be done. It's going to reduce the revenues to the province from \$50 million down to \$20 million but will maybe keep a healthy racetrack going.

**Telemarketing:** There were 75 about a year ago; they're looking for about 225 telemarketings across the province. How many are there today? Do you have any idea?

**Ms Tanaka:** I thought I saw a figure of somewhere around 100, but I couldn't say. I get regular circulation of some material from the municipal point of view. There were three teletheatres in Oshawa being opened up in the last little while, but I can't give you a figure on that.

**Mr McLean:** Can you indicate whether the 300-seat teletheatre run by the Windsor casino is open yet or not?

**Ms Tanaka:** My understanding was that it was to be part of the permanent casino when it opened, but I don't know.

**Mr McLean:** The other question then that I have is with regard to the four-year assistance program, that Minister Shirley Coppen had given \$2.5 million per year to the racetracks, a new program. Are you aware of that?

**Ms Tanaka:** I did some reading about a program that allowed for capital improvements to be made. Is that the program you're talking about?

**Mr McLean:** Yes.

**Ms Tanaka:** And that a number of the tracks took full advantage of the assistance to make capital improvements, to improve the facilities for the public. Some of them didn't take full advantage, but it seems that the industry, having seen that opportunity, took advantage of it.

**Mr McLean:** The program is being administered by the racing commission, which you're going to be appointed to, so I was just wondering if you were familiar with it. Bob, did you have a question?

**The Chair:** We're out of time. I'm sorry.

**Mr McLean:** No, we only had four minutes. I timed it.

**The Chair:** Oh, well, then I've made a mistake.

**Mr McLean:** Yes, I usually admit when I do.

**The Chair:** And I just did, Mr McLean. Mr Runciman.

**Mr Runciman:** Thanks very much. I'm just curious about your own experience with horse racing. Are you a

long-time fan? Have you been an attendee at the tracks and a bettor on occasion?

**Ms Tanaka:** No, I have been once to a racetrack and I didn't bet at the time. It was in Vancouver, as a matter of fact, and it rained. It wasn't the most positive experience. So I am part of that 98% of the population of the province of Ontario that does not frequent the racetracks.

**Mr Runciman:** So you're a real newcomer to the business.

**Ms Tanaka:** Yes.

**Mr Runciman:** When you went through the process of expressing an interest in this appointment, who did you speak to? Can you take us through the process and how that worked?

**Ms Tanaka:** Yes. I got a call from the minister's office, asking if I would be interested in an appointment to the racing commission.

**Mr Runciman:** Who specifically in the minister's office?

**Ms Tanaka:** That was Ms MacKay. I then met, a short time later, after I'd sent in—

**Mr Runciman:** Did she say why she—had you expressed an interest? This came out of the blue to you?

**Ms Tanaka:** Yes, it came out of the blue. I then met with her and Mr Sadinsky for a couple of hours, and Mr Sadinsky talked a little bit more. I'd done some research myself in terms of looking up the statute under which the commission was empowered. Then I met with Mr Sadinsky separately for a couple of hours to talk about what he saw as the major issues and his program for the commission and to get educated about the constituencies the commission regulates, the different interest groups, some of their concerns—

**Mr Runciman:** I don't really need that. I'm just curious about the personalities involved as you went through this process.

**Ms Tanaka:** The next meeting was with the minister's office staff. Then I'm here today.

**Mr Runciman:** So you've never at any point met with the minister herself.

**Ms Tanaka:** No.

**Mr Runciman:** Was there ever any suggestion that in this role you would not be seen to be or in fact be critical of government policy in any respect?

**Ms Tanaka:** Never any discussion about that.

**Mr Runciman:** Never any reference to Mr Drea's concern, the public concern about the impact of expansion of casinos on the industry, because there's been some public suggestion that one of the reasons Mr Drea has been shown the door is the fact that he expressed considerable concern about the impact of expansion of the casino program across the province on the industry.

**Ms Tanaka:** In my first meeting with Mr Sadinsky and Ms MacKay, it was indicated to me that concern about the gaming industry as a whole—that is, casinos as part of the gaming industry and horse racing as part of the gaming industry—was a matter of real concern for the horsemen, for the breeders, for the racetrack owners. It



was made very clear to me that those concerns were deeply held.

**Mr Runciman:** I guess you're new to the game so it's difficult for you to pass judgement, but if you look at the figures that we've been provided with in terms of revenues for the industry, they've been fairly flat for the past number of years despite the new initiatives that have been undertaken: off-track betting and telemarketing and those kinds of things. Revenues have been, although not dramatically, modestly declining. And of course there's considerable speculation about the success. We know the success of the Windsor casino in terms of the revenues it's generating for the province. I think it's a clear indication that expansion is going to occur.

Do you have any thoughts about that? Given the fact that your revenues continue to decline in your industry, that you're now going to be appointed to, how can you deal with that? What's the answer?

**Ms Tanaka:** I guess, first of all, that the industry is holding its own after the last five years and has stayed flat, as opposed to a real decline, probably separates it out from a lot of industries in this province. That they have survived that way is—

**Mr Runciman:** That's with only one casino, though.

**Ms Tanaka:** Well, I recognize that, but I think that is a tribute to the industry's resilience. In terms of the casinos, as I said before, good planning can often lead to good results. If the industry seeks good advice, as its sector strategy indicates it is, and if it pulls together, then everyone I've talked to has a sense of the challenge but also of optimism.

**Mr Runciman:** If you see one of the major factors in terms of survival of the industry is, as Mr McLean was mentioning, the provincial tax on the industry, you would have no reservations whatsoever in publicly making the point clear to the government of the day that this is a necessary step if you want to see the industry survive, if you've reached that conclusion?

**Ms Tanaka:** If I reach the conclusion—and I come from a tradition of independence, that you listen carefully, you listen to the merits—

**Mr McLean:** Common sense.

**Ms Tanaka:** Use some common sense. But you have to sleep at night. I'm the one who has to get up in the morning and look in my mirror and say, "Did that person do the right thing?"

**The Chair:** Thank you very much for your appearance before the committee this afternoon, Ms Tanaka.

1530

ROBERT KORTHALS

Review of intended appointment, selected by third party: Robert Korthals, intended appointee as member, Ontario Securities Commission.

**The Chair:** Our next intended appointment this afternoon which the committee is going to review is Mr Robert Korthals. Welcome to the committee.

**Mr McLean:** Good afternoon, sir. Have you been on the board before or is this your first trip to the Ontario Securities Commission?

**Mr Robert Korthals:** It would be my first time.

**Mr McLean:** Have you been involved in the stock market and securities?

**Mr Korthals:** You mean personally or in my employment?

**Mr McLean:** Personally.

**Mr Korthals:** Yes. I'm an investor. I bought my first securities in 1953.

**Mr McLean:** And through your employment, are you—

**Mr Korthals:** From 1961 to 1967 I worked for Nesbitt Thomson.

**Mr McLean:** The new commissioner wanted to make some changes limiting the amount of interacting with regard to people who are on the securities commission being able to invest. Do you think that people appointed to the board should be in the position to do that?

**Mr Korthals:** Is your question whether people on the securities commission should be personally permitted to invest?

**Mr McLean:** Yes.

**Mr Korthals:** Yes, I think they should be as long as the commission is aware of their purchases and sales.

**Mr McLean:** You don't think they would be in a position of conflict?

**Mr Korthals:** If they had shares in a security issue that came in front of the commission, they would have to declare that they did and couldn't sit on that particular case.

**Mr Runciman:** You're probably familiar with the initiative by the NDP government to require executive salary disclosure. Do you have a view on that? Do you see any downside to that at all?

**Mr Korthals:** For years I felt that people who would disclose their salaries might incur a security risk for their families. I think I was more sensitive to it because when I became the president of the bank my children were still very young, and also because just about that time there were two or three incidents, so why flag attention. But really, so far, it has not been a problem. We live in a safe country. It's certainly very different in Europe; when European bankers travel, they have huge numbers of security people with them. I'm now more neutral on the security issue.

I still believe that the disclosure of executive salaries does not necessarily lead to significant better information for the individual investor than that investor would have if, say, the aggregate salaries of four or five people in the organization were disclosed. Against that, I do know that the publication of executive salaries is highly inflationary because you could see the compensation committee of a board saying, "My man is better than their man and he should make more," so it's a one-way ratchet. It's been that way in the States. I think John McNeil has written articles on that and I agree with that, so I actually think the inflationary aspect on executive salaries is a greater disadvantage than the disclosure advantage.

**Mr Runciman:** From a stockholder's perspective, though, you might take a different view.



**Mr Korthals:** I can't ever in my life remember being influenced by the compensation in my purchase and sale of a security.

**Mr Runciman:** Well, if you were a stockholder to a significant extent in a company that was not prospering as you felt it should in terms of return on investment, yet you saw the chief executive officer of that firm receiving a significant increase in remuneration, which has been the case in a number of instances that we've read about, I think that might raise the hackles a wee bit. So from that perspective I see it being of benefit to investors.

**Mr Korthals:** Mind you, I still feel that by disclosing the top five salaries, you get some idea of the total compensation paid at the top relative to the revenues and earnings of the business. But I think the very short-term correlation between executive pay and results of the firm is very misleading. In large organizations, the effect of your decisions today won't really be shown for three or four years.

**Mr Runciman:** The irony of the government's decision is that they've been loath to reveal the salaries of top civil servants. We still don't know what deputy ministers and executive directors of the government are earning, while they're saying to the private sector, "You have to tell the public." They show ranges; they do not show specific salaries, and they demand that of the private sector.

I want to ask you quite a number of questions and we have very limited time. In your approaching this role, how have you viewed the operations of the OSC yourself as someone who's been involved in the financial community? What do you see as its shortcomings? What would you like to see achieved in this new responsibility?

**Mr Korthals:** Let me first of all say that I think we've been a community that is reasonably fortunate in having had good securities commissioners over the years—

**Mr Runciman:** Absolutely.

**Mr Korthals:** —and we've had a pretty good regulatory environment. As a result, we have I think an excellent securities market compared to other regions of the world. It's really better than in many European areas. So I think on the whole it's been great for this community.

You know, everybody talks about the changing world and it's more international and there are more different types of securities, and as the workforce ages you'll find that the security holdings in the average family will go up. When workers are young they don't own equities; when they get older they're more likely to own equities. So I think individual participation in security markets will increase as the workforce ages, which demographically it should in the next decade.

I think it's an important function, but there's a lot of coordination required, both within Canada—the issue of the national securities commission, the issues with other self-regulatory bodies, working with the other associations like the bankers' association—and, finally, the whole international aspect.

**Mr Runciman:** What about derivatives? Do you have a view on that?

**Mr Korthals:** Well, I think derivatives are a good thing.

**Mr Runciman:** Who understands them? I hear you have to be a nuclear scientist to have full comprehension of how the system works.

**Mr Korthals:** Oh, no. I think we all can understand a warrant on a stock or an option of put or call. Those aren't so "rocket science." It's the ones that are imputed that are more difficult mathematically to work out. But we can do that; that's what technology and computers bring to us.

**Mr Runciman:** So you don't have any significant concerns about the operation of the OSC?

**Mr Korthals:** I do not, no, but I think that the OSC, as it has worked in the past, will have to change with the realities of tomorrow's financial world.

**Mr Runciman:** If I have a minute or two, there's been a long-term argument or discussion about the question of whether we should have these various commissions of control in Ontario, and we've all heard of the Vancouver Stock Exchange and the rather suspect reputation it has. Do you think there should be a national body involved in this rather than looking at it from a provincial perspective?

**Mr Korthals:** The biggest reason for having a national body is that it is a national issue in almost every other nation, and when two nations negotiate we're in the awkward position of having a province negotiate with a nation. The nation tends to not negotiate as well as they would to another national association. So it would be helpful, I think, in bilateral and multilateral negotiations on security standards, closure standards, derivative inspection, if we could speak with a national voice like other nations do at the table.

However, I think the worst thing we could do in Canada is to have a national securities commission and provincial securities commissions, because we would have enormous overlap. We already have too much overlap, and I wouldn't want to see national security achieve that at a net increase in the overall cost of regulation. I think a lot can be done on a more cooperative basis, and the majority of the provinces are beginning to see it that way, I hope.

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**Mr Runciman:** Have you taken a look at the American system? Are you familiar with the American system and how it works?

**Mr Korthals:** I am somewhat familiar with the American system.

**Mr Runciman:** If you use an analogy, do you think that could be applied to the Canadian situation?

**Mr Korthals:** Yes. They have allowed the licensing of individuals to be done by the states. They are the ones that enter into the contract, but the national standards and disclosure are national, not state or regional. That's probably—

**Mr Runciman:** Worth looking at.

**Mr Korthals:** We're past "worth looking at." If you fill out insider reports or if you sign prospectuses and you



have to do it in two languages, and you have to sign 75, I think, copies as an officer—I used to do it at the bank—you start to resent the 25 minutes a day it takes to do that.

**Mr Runciman:** Yes. Are you bilingual?

**Mr Korthals:** No.

**Mr Runciman:** It would be a little dangerous as well then.

**Mr Korthals:** I speak Dutch. It's not very helpful.

**Mr Runciman:** Only in Amsterdam.

**The Chair:** Thank you, Mr Runciman. Dr Frankford is next.

**Mr Frankford:** Welcome. Mr Runciman raised many of the issues I was wanting to, such as the federal-provincial relationship. Could you comment on Ms Stromberg's report on the mutual fund sector?

**Mr Korthals:** I thought it was a good report. She has worked almost all her life with the industry so she may be the most knowledgeable person around, and I thought the thrust of it was useful. I know that the industry wasn't very happy with the separation of sales, regulating the sales function as opposed to the fund function. But I think that's probably in the right direction because most people who sell funds sooner or later are going to sell other securities, and the whole regulation of the sales should come under a different umbrella than the industry. I thought that was a good thrust.

I think the disclosure on compensation arrangement of the person recommending the fund to you is a good thrust. That disclosure would be helpful to a purchaser, and I think there are also advantages to be gained on the industry part of the fund regulation by making sure that the name of the fund is pretty consistent with the investments that the fund makes, so if it's a North American fund, you don't find that 85% of the investments are in Mexico. Not all funds live up to their names. Those are all very good initiatives.

**Mr Frankford:** It is an area where there's a significant amount of capital and where more ordinary consumers invest I think than the—

**Mr Korthals:** In 1993-94 the industry had an unusual period of sales. It was almost breathtaking. That's tapered off quite a bit, but it'll come back. They are a very attractive means for a small investor to participate in different financial markets.

**Mr Marchese:** I have a question. There is a message from the outgoing chair in the annual report in 1993 that talked about his concerns about a real or perceived erosion of the independence of the OSC in the administration of the legislation. Perhaps I'll read the quote. He says:

"If this position is or is perceived to be eroded, whether as a result of funding decisions, appointments to the commission, interference in what are essentially commission operations and decisions or a merger of activities of various branch of the commission with those of other government branches or entities, public confidence in the commission will, in my view, be diminished, if not lost."

To some extent, my view is that we should be regulating this as best we can as a government so that if there are concerns expressed by minority shareholders or people in general, the government has a role to make sure their interests are being heard. One can assume perhaps that the OSC will take that into account and will do what it has to do. On the other hand, there's always a role for government, in my view, to make sure that some of those things get dealt with, reviewed and happen by way of regulation or changing the legislation.

What is your view on this matter?

**Mr Korthals:** I'd like to preface my view with the fact that I would rather have a year or two of experience within the commission before I answer too definitively. Developments in financial markets happen very rapidly, and because there are a lot of innovative people in it, things change. You have to be careful that the regulatory agency hasn't been so handcuffed that it cannot quickly respond to a new initiative in order to protect (a) the public or (b) the integrity and international reputation of those markets. There is a balance between giving power to a non-elected official and efficiency in regulation.

I actually feel from the outside, not having worked there, that Bill 190, which gives the commission some rule-making powers, probably was a pretty constructive piece of legislation. My guess is it will not disappoint, but I say that as an outside observer, not as an inside practitioner.

**Mr Marchese:** Can you think of a circumstance where a government might have done something that was not in the interests of the public? You raised the point that you wouldn't want to handcuff them to such an extent that you would not be protecting the public.

**Mr Korthals:** I don't think they would deliberately not do something that wasn't in the interests of the public, but the problem is the response by government is so slow that the issue is lost before it's dealt with. That's the risk.

**The Chair:** There are five minutes left. Are there any further questions from the government members?

**Mr Marchese:** We'd like to leave more room for the Liberals.

**Mr Cleary:** It's nice to get conned at the end of the day.

**Mr Daigeler:** If I understand right, Mr Korthals, you are currently president of the TD Bank?

**Mr Korthals:** No. I retired on January 31. I'm unemployed again.

**Mr Daigeler:** This wasn't mentioned on your very short CV that was put to us. Perhaps then I'll adjust my question a little bit. Frankly, I'm constantly surprised how, for example, Professor Prichard, the president of the Toronto university, still finds time to serve on the GTA task force. Not that I think the GTA task force is not important, but how somebody with that kind of responsibility can find time to do a good job on the GTA I don't know.

He must be really a tremendous person. I admire him, but for myself, I would find it difficult. That's why I was going to ask you how, as president of a bank, you might



be able to serve on this kind of board, which obviously has an important role to play. But since you are now retired, I guess it's one of those boards that you can serve on.

**Mr Korthals:** Oh, yes. I'm still on the board of the bank, but because the bank is a securities dealer, I don't intend to stay on the board if this appointment goes through.

**Mr Daigeler:** That was going to be my next question actually, whether there is any kind of conflict of interest between the president of the bank, or as you just indicated, being on the board of the bank and your role on the securities commission. I understand obviously your expertise in banking matters and so on is an asset, but at the same time, as you just said, the bank is dealing in securities. I presume this has been checked out. To your knowledge, is it a previous practice that bank presidents have been on the securities commission?

**Mr Korthals:** No. Well, not in my working time here since the 1950s. Jalynn Bennett joined the board of the Commerce and left the commission. She went the other way. David Moore used to be a senior officer at McLeod Young Weir, but I can't remember if he was while the Scotia owned it. I can't exactly remember the year, and he's a commissioner now. He's left the securities industry. So there has been some movement between the financial sector and the commission.

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**Mr Daigeler:** Obviously you had some concern about a possible conflict of interest, because you just mentioned it yourself, that you're planning to resign from the board. Did you have any legal advice on that matter?

**Mr Korthals:** No, but I talked to the chairman of the commission, Ed Waitzer, and he felt there was a conflict, and I kind of agree.

**Mr Runciman:** Yes.

**Mr Korthals:** I would have like to have stayed on the board of the bank. It's more rewarding, by the way, than being on the OSC's.

**Mr Daigeler:** It would be. Had you expressed an interest in this position? I presume people knew there was an opening. They probably approached you, I presume, knowing that you were retiring.

**Mr Korthals:** Ed was the first person to call me when I announced my retirement in September.

**Mr Daigeler:** Are you serious or—

**Mr Korthals:** Yes.

**Mr Daigeler:** Who?

**Mr Korthals:** The chairman.

**Mr Daigeler:** The chairman was the first person?

**Mr Korthals:** Yes. To ask if I'd be interested to do anything else.

**Mr Runciman:** Who was the second?

**The Chair:** You don't have to answer those questions.

**Mr Daigeler:** So those who know of early retirements, you have to be quick off the mark. Is that the idea?

**Mr Korthals:** Pretty well, yes. I don't know why. We're so overrated, as bankers.

**Mr Daigeler:** How big is the securities commission, how many members, and how often would you be meeting?

**Mr Korthals:** The commission meets every two weeks, generally on a Tuesday morning, I think, and then in addition you rotate being on duty, which means you basically sign papers as a commissioner, and third, you have to volunteer for certain hearings. They're very unscheduled. They can't be foreseen, and they just poll the commissioners to see who's available to conduct a hearing. It's kind of like jury duty almost.

**Mr Daigeler:** Do you know what kind of general background the other securities commission members have? I'm asking that question, and I don't want to be overly poking, although being from the opposition I think it's part of our responsibility to do that. But I'm a little bit concerned about here's all the financial community controlling itself and I'm just wondering what kind of an assurance can you give me as an outsider that there is control that doesn't have an interest itself in what is being controlled.

**Mr Korthals:** I know. I'm just looking for the list of commissioners and I'm trying to find it. John Geller is a lawyer with Fasken Calvin, or Fasken Campbell as it's now called. Jalynn Bennett used to be an officer at Manulife and has had a variety of jobs, and she's not there any more. Jack Blain was a lawyer—is a lawyer, but he's retired—with McCarthy Tétrault as it's called now. Jim Brown, who passed away last year, sadly, was an accountant with KPMG. David Moore, as I mentioned to you, used to be a senior officer with McLeod Young Weir. Glorianne Stromberg has been a lawyer, worked in the securities area and did a lot with mutual fund clients. Joan Smart has been in the financial world in her own company.

So it's a pretty—they all have in common, though, a knowledge about securities markets. I think it's not so easy to go in the securities commission and have no knowledge about financial markets.

**Mr Daigeler:** Obviously.

**Mr Korthals:** So that's the common denominator. But none of them work for significant stakeholders in the business, if you know what I mean.

**Mr Daigeler:** That's what I meant. Fine.

**Mr Cleary:** Welcome to the committee, sir. We hear from time to time on the TV and read in the press about insider trading. Do you feel that the Ontario Securities Commission approach to insider trading issues has been sufficient, or does that exist?

**Mr Korthals:** It's pretty hard for me to say. I don't believe that in the Ontario market there's been much abuse of insider trading. It's a very difficult offence to catch, by the way. I personally lack conviction that it should be an offence. There are a handful of economists who will argue that insider trading is actually the most efficient way for a market to readjust to the new information. I actually believe those economists have it right.

But as long as the rules are that insider trading is an



offence, I think there's a lot that could be done to improve the gathering of information through electronic filing. You know, now it's all done by paper. I think it would be faster and more timely, but it does provide an audit trail: You subsequently can look at the trading pattern in a stock and see who did the buying and selling. I believe the mere threat of having it as an offence probably frightens off a high percentage, 98% of the people who might be willing to try it.

You know, years ago, back in the 1950s when we were developing Elliot Lake for the uranium play, a lot of money was raised. Some companies had ore and others didn't, but they all had the contract with the Atomic Energy Commission. As a result, the bonds used to sell at a discount. But if you went to the local tavern at night and talked to the miners, you would know right away who had ore and who didn't. Now, if you went there and drank and then acted on that information, are you an insider? It's always been a difficult question for me to answer.

**Mr Cleary:** Do I have more time?

**The Chair:** You have 20 seconds.

**Mr Cleary:** We all hear about public trust now, you know, politicians and everyone else. How would you move to ensure that the public confidence of the Ontario Securities Commission is maintained and enhanced? I guess we all talk public trust.

**Mr Korthals:** I think the quality of the people on the commission is all you can go by, and hopefully collectively they will administer the work of the commission in a way that accomplishes that confidence.

**Mr Runciman:** Bank presidents are a little above politicians.

**Mr Korthals:** Not on public opinion polls.

**The Chair:** Thank you, Mr Korthals. Actually, I was waiting for someone to ask you this afternoon if it was always a myth that you rode a bicycle to the office and you took your lunch in a brown paper bag. Was that a myth?

**Mr Korthals:** Well, certainly the lunch. I had a lot of free lunches.

**The Chair:** But did you ride your bicycle very often?

**Mr Korthals:** I often rode my bicycle.

**The Chair:** So that's why you're still fit enough to carry on in another appointment.

**Mr Korthals:** Oh, I'm not sure about that.

**The Chair:** We do appreciate your appearance before the committee today. Thank you, Mr Korthals.

**Mr Korthals:** Thank you very much.

**Mr Marchese:** Bob, you forgot to ask which party he belonged to.

**The Chair:** All right. Now we will deal with today's appointments. We need a motion to appoint all of them. Mr Marchese?

**Mr Runciman:** On a point of order, Madam Chair: There are a couple of reviews that we did today that I would like to have dealt with individually and request recorded votes.

**The Chair:** Okay. Which are they?

**Mr Runciman:** The first, Nazru Deen, and number four, Mia Tsuji, I would like to have dealt with by separate motion and recorded vote. Madam Chair, I'd like to have the opportunity—I don't know what the rules of committee are in respect to having an opportunity to have a brief comment in respect to a motion that's on the floor.

**The Chair:** Yes, you may speak to any motion that's on the floor.

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**Mr Runciman:** It would be very brief.

**The Chair:** All right. So the first motion moved by Mr Marchese is the appointment of Mr Nazru Deen as the full-time chair of the Police-Race Relations Monitoring Board. That is the motion on the floor. Discussion, if any.

**Mr Runciman:** I'm going to oppose this appointment. My initial sense was that I would support it, but during the testimony I was less than impressed with Mr Deen's response to questions from opposition members, his reluctance to discuss political affiliation, which is a very common question in this committee. I don't recall, in the times that I've attended, where anyone has refused in such an adamant manner as this individual. Given the public concern about the nature of partisan appointments in the justice system in the last little while, I think it was incumbent upon him to be very open with the committee.

He also reinforced that view when I asked him to reveal a salary range. I didn't ask him for a specific salary, simply to indicate the range of salary that he'd agreed to. We're talking about tax dollars, Madam Chair, as you're fully cognizant of. He again in a very adamant way refused to do so.

My party has significant difficulty with many of the recommendations of the Stephen Lewis report, thinks that it was a knee-jerk reaction to justify some of the political imperatives of the NDP which it has held for many, many years. For a whole host of reasons we're going to oppose this particular appointment on the record.

**Mr Daigeler:** I just wanted to say that I do think that Mr Deen is qualified, I would say well qualified, for the appointment that's being proposed here. I do have some questions about the position itself and whether it should exist and whether it is duplication or not, and I don't want, for the record, my vote for Mr Deen to be understood as necessarily support for the continued existence of this board. I'd certainly want to have a much more in-depth discussion as to whether this institution really serves the public or not. But since it is in existence and has to be filled and this committee is asked to give an opinion as to whether this particular person has the background for this position, I think I can support Mr Deen without necessarily supporting the existence of the position.

**Mr Marchese:** I just wanted to expose some problems I have with the arguments put forth by Mr Runciman. First of all, it is interesting to note that when Liberals and Conservatives come before us, neither the Liberals nor the Conservatives raise the question of the members that come before us as to their affiliation. They do, however,



raise that question when they perceive or know that the member might have an affiliation connected to the party. So it is interesting that Mr Runciman says the public has a concern about public appointments. If they're Liberals or Tories, they don't have a concern, according to the argument that I've heard, but because Mr Runciman doesn't ask a lot of them when he perceives them to be Liberals—

**Mr Runciman:** I know they're not Tories. I don't have to ask them.

**The Chair:** Mr Marchese has the floor. We could come back to you, Mr Runciman.

**Mr Marchese:** On the affiliation, he asks particularly those he perceives to be connected to or to be members of the party. The point is that a member doesn't have to say whether he's affiliated or not. That shouldn't disqualify the person based on the questions that are raised of him with respect to the appointment that he is making. I should point out, as I have on many occasions, that most of the appointments that we make, over 90%, are either not affiliated or are probably affiliated to the Liberal or Conservative parties. The ones that we interview here are the ones usually made by the opposition, and the ones who get called before this committee are to a great extent those whom the opposition believes have an affiliation to the party. So I wanted to put that on the record.

With respect to whether we're impressed with the man's qualifications, I was impressed with the answers he gave to the questions they asked and the questions we asked. I have no doubt about the person's ability to be able to do the job for which he is applying, so I wanted to state my categorical support for his qualifications.

**Mr McLean:** I guess perhaps the appointments that have been made in this committee, some 2,000 of them—I would agree with Mr Marchese that probably 90% of them are NDP. I think that's the point he was trying to get across—

**Mr Marchese:** The opposite is what I said.

**Mr McLean:** —and I would probably agree that that is what he was trying to say.

**The Chair:** Thank you. There being no further discussion, there has been a request for a recorded vote on this appointment.

All in favour of the appointment of Mr Nazru Deen as the full-time chair of the Police-Race Relations Monitoring Board?

**Ayes**

Carter, Cleary, Daigeler, Fletcher, Frankford, Malkowski, Marchese, Waters.

**The Chair:** Opposed?

**Nays**

McLean, Runciman.

**The Chair:** That motion is carried.

What I will do is move the next two appointments together. The first one is the—

**Mr Marchese:** Madam Chair, can I suggest that I move all the others around which there is no disagreement?

**The Chair:** All right, certainly. I'll read all of them then: Ms Jo-Anne McDermott is an appointment as member of the Durham Regional Housing Authority; Ms Nancy Backhouse as a member of the Board of Inquiry (Police Services Act); Ms Margaret Buchanan as a member of the police services board for the city of Orillia; Ms Lynda Tanaka as the vice-chair of the Ontario Racing Commission; Mr Robert Korthals as a member of the Ontario Securities Commission. Any discussion? All in favour of that motion? Opposed, if any? That motion is carried unanimously.

The remaining appointment is a motion moved again by Mr Marchese and it is the appointment of Mia Tsuji as a member of the board of parole, central region. Is there any discussion on that motion? Mr McLean and Mr Runciman.

**Mr McLean:** I really had some problem listening to this witness who came before us with regard to being appointed to the parole board. It didn't appear to me that she had a good grasp of what she was being appointed to or what she was supposed to do once she got there. I had some concerns with regard to the witness's answers and I just feel that—I don't know. Somebody said there were over 100. If this was the best one they could find, I would like to have seen what the rest of them were, because in my estimation out of 100 people—maybe she was nervous, I'm not sure, but I wasn't very enthused about the answers that she gave us.

**Mr Runciman:** Initially, like the other appointment that we dealt with on a vote, I tended to be supportive in the initial responses, but as the questions proceeded I became less and less supportive of Ms Tsuji.

Mr McLean's question related to her application, where she said: "The delicate balance between the rights of the offender versus the protection of society," and Mr McLean asked her just what she meant by that and she devoted her response solely to offenders' rights. That was the sole thrust of her response to Mr McLean's inquiry about having a balance between the rights of the offender versus the protection of society.

I was astounded, to say the least, by that response, given what's happened in the last few weeks and the last number of months where we have the parole board making at least two decisions which have resulted in the shooting of one police officer, the wounding of one police officer, the murder of another police officer directly attributed to the decision by the Ontario parole board grouping of three to release this individual into society despite the concerns expressed by the police, despite outstanding warrants from the province of Alberta, despite all of the best advice.

This witness before us today says that the balance has to be an emphasis on offenders' rights, totally, apparently, ignorant of the outrage of the public with respect to the way this board has been dealing with issues of public safety.

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I would much rather see the government trying to provide some balance here. We've seen Elizabeth Fry advocates appointed to the board. We've seen John



Howard Society—again prisoner advocates appointed to this board. We've seen people who accept the NDP philosophy of everyone's a victim, an anti-police approach, "Everyone's a victim and let's do what we can to push these people through the system." I would have rather seen someone represented here today perhaps from the policing community, a retired police officer perhaps, a retired parole officer, trying to bring some kind of balance to the system.

We had an indication today there's 109 parole board officers, appointees; only 22 of them have not been appointed by this government. We know the public concerns out there and yet this government has the unmitigated gall to put an appointee before us today who says we have to put more emphasis on offenders' rights. That offends me, Madam Chair. That should offend every citizen of this province. The parole board's number one priority has to be public safety. That hasn't been the case under this government. It's going to be the case under the upcoming Conservative government, I can tell you that, Madam Chair.

**Mr Daigeler:** I have some concerns about this particular applicant as well. Although unfortunately I didn't get a chance, given the way that the time goes, to ask her the question, it seemed to me that in her application she made way too much out of the fact that she was a parole officer for half a year on a student placement.

I got the impression, frankly, that that part of her background weighed heavily on those who recommended her and I'm not sure whether they were fully cognizant of the fact that this experience really was just for a very short time.

The applicant, given a bit more experience and a broader involvement in the community, I think in future could give a valuable service, but I am concerned that at this point in time she does not provide the assurance to me and to the public that the parole service is being done in full consideration of all the facts and with public safety very much in the forefront of the criteria that are being applied. So I will not support this application either.

**Mr Marchese:** My sense is that we all have a view of what we think we've heard, but quite clearly, for me, I think the Liberal member and the Conservative member are trying to outdo each other. There's no doubt in my mind about that.

What I heard from Mrs Tsuji was rather a different story, no different than many of the other members we get in front of this committee who want to sit on the parole board. What do we expect of these people? We expect that they behave judiciously and that when they deliberate, they will be reasonable, sensible and rely on good judgement.

I'm not quite certain what either of you were saying with respect to that. What is it that we want out of a candidate who comes before us? What I heard is

a very reasonable, sensible, rational person who will listen to the—

**Mr Runciman:** Offenders' rights over protection of society—

**Mr Marchese:** No, you're quite wrong. You're quite wrong, Mr Runciman. What she did say—

**Mr Runciman:** That's your emphasis.

**Mr Marchese:** No, that's your emphasis, what exactly you want to have on the record.

**Mr Runciman:** Read Hansard.

**Mr Marchese:** The comment she made was, quite clearly, that we're here to protect the rights of society, but she also said what you said, that we also have to protect the rights of the individual. That's the balance. I'm not sure how else you want it to be seen. This is what our judicial system is based on, that you give people a hearing, that we balance the rights of society with the rights of individuals, and at the end of the day what I expect of that person is to make a good judgement.

My suspicion is that most of the time these people make good judgements on whether people should be denied parole or whatever it is that they make decisions on, and sometimes they make mistakes; there's no doubt about that. But how do we develop a system whereby the people we appoint to these boards make decisions that are always correct? There is no scientific method that allows these people to make always the right judgement with respect to decisions they make on these people.

I heard a very reasonable person who answered very well most of the questions you asked and the questions we asked, and we have the same concerns about protecting the rights of the public. But I'm not quite sure whom you would want to put on the parole board to make those fine decisions.

Madam Chair, there's no doubt in my mind that this person is, again, fully qualified and was rather reasonable in her responses to our questions.

**The Chair:** There being no further debate, we will take the vote on the motion to approve Ms Mia Tsuji as a member of the board of parole, central region. This is a recorded vote.

All in favour of that motion?

**Ayes**

Carter, Fletcher, Frankford, Malkowski, Marchese, Waters.

**The Chair:** Opposed, if any?

**Nays**

Cleary, Daigeler, McLean, Runciman.

**The Chair:** That motion is carried.

That concludes the business of the committee for today and we will reconvene tomorrow morning at 10 o'clock.

*The committee adjourned at 1617.*



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## STANDING COMMITTEE ON GOVERNMENT AGENCIES

- \***Chair / Présidente:** Marland, Margaret (Mississauga South/-Sud PC)
- \***Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
- \*Carter, Jenny (Peterborough ND)
- \*Cleary, John C. (Cornwall L)
  - Crozier, Bruce (Essex South/-Sud L)
- \*Curling, Alvin (Scarborough North/-Nord L)
- \*Frankford, Robert (Scarborough East/-Est ND)
  - Gigantes, Evelyn, (Ottawa Centre ND)
  - Harrington, Margaret H. (Niagara Falls ND)
- \*Malkowski, Gary (York East/-Est ND)
- \*Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
  - Witmer, Elizabeth (Waterloo North/-Nord PC)

*\*In attendance / présents*

### **Substitutions present / Membres remplaçants présents:**

Daigeler, Hans (Nepean L) for Mr Crozier  
Fletcher, Derek (Guelph ND) for Ms Harrington  
Marchese, Rosario (Fort York ND) for Ms Gigantes  
Runciman, Robert W. (Leeds-Grenville PC) for Mrs Witmer

### **Also taking part / Autres participants et participantes:**

Murphy, Tim (St George-St David L)

**Clerk / Greffière:** Mellor, Lynn

**Staff / Personnel:** Pond, David, research officer, Legislative Research Service





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of Ontario**

Third Intercession, 35th Parliament

**Assemblée législative  
de l'Ontario**

Troisième intercession, 35<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

Thursday 16 March 1995

**Journal  
des débats  
(Hansard)**

Jeudi 16 mars 1995

**Standing committee on  
government agencies**

Intended appointments

Subcommittee report

**Comité permanent des  
organismes gouvernementaux**

Nominations prévues

Rapport de sous-comité



Chair: Margaret Marland  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Thursday 16 March 1995

Jeudi 16 mars 1995

*The committee met at 1001 in room 151.*

**The Chair (Mrs Margaret Marland):** Good morning. We continue the review of government appointments.

**Mr Allan K. McLean (Simcoe East):** On a point of privilege, Madam Chair: Yesterday the TV screen had indicated that the replay of yesterday's proceedings would take place at 6 o'clock last night. I had informed some people who were interested in what was taking place here yesterday about that very issue. However, I waited for the program to come on at 6 o'clock. It did not come on at 6 o'clock. What I saw was about a minute and a half of the first person that we had before us, at the very tail end of that interview.

I'm wondering if somebody could check to find out why the programming at Queen's Park—when it's on the television that it is being replayed and it is not being replayed, then there's something wrong with the system.

**The Chair:** Certainly we will ask the broadcast people to give us a report about why it wasn't on and what the programming schedule should have been. We'll get those answers for you.

**Mr McLean:** It was important for those people that I had notified, and they weren't very pleased this morning when they didn't see what I said would be on, and it was on the screen that it would be played.

**The Chair:** No, and we understand that. It is a service to the public that actually we're proud of being able to offer, so we will check into that and report back to you.

## INTENDED APPOINTMENTS

MARY ANNE McKELLAR

Review of intended appointment, selected by third party: Mary Anne McKellar, intended appointee as member and vice-chair, Employment Equity Tribunal.

**The Chair:** I would like to welcome to the committee this morning Ms Mary Anne McKellar. We will start with Mr McLean.

**Mr McLean:** Welcome to the committee this morning. I would like to start off by asking you what your understanding of the Employment Equity Act is all about.

**Ms Mary Anne McKellar:** I think the preamble to the act sets out what it's all about. I have the act in front of me. I can read that into the record if you want.

**Mr McLean:** I just want your overview of what you thought the act was set out to do. Was it set out to hire certain minorities people to make sure that they're in the workforce, or just what is your understanding?

**Ms McKellar:** I think, as the preamble sets out, it's premised on the recognition that certain groups experi-

ence structural difficulties to gaining employment and promotion and it's designed to alleviate that. But the drafters spent considerable time coming up with the preamble. I don't really think I can improve upon it.

**Mr McLean:** I'd like to make a couple of comments. It says:

"Under the act, employers are not required to hire job applicants or promote employees simply because they belong to one of the four groups. All applicants and employees must be qualified for the positions they seek. If job applicants and employees seeking promotions who belong to the designated groups are not qualified for the positions they seek, employers continue to be free not to hire or promote them and instead hire or promote white males who are qualified for the available positions."

What do you think of that statement?

**Ms McKellar:** Actually, where's that statement taken from? Is that yours?

**Mr McLean:** Our research individual has put that statement in our briefing notes, and I was just curious what your comments are with regard to promoting and hiring anybody. They've got to be qualified, I guess, is what I'm talking about. If they're not qualified, do you have to hire one of the four groups?

**Ms McKellar:** I find it really difficult to comment on a hypothetical situation like that. There have been no cases that have come up. At such time as a case comes up, I'll decide it.

**Mr McLean:** Do you support the—

**Ms McKellar:** I guess I thought the purpose of this inquiry was not an inquiry into the bona fides of the legislation, which you've all had an opportunity to debate in the House, which is where your question seems to be going, but into my fitness to perform the job.

**Mr McLean:** I think I am entitled to find out what knowledge you have of the legislation and what surrounds the legislation. That's what I'm really looking for, how familiar you are with it. In this position you're going to be on the Employment Equity Tribunal and you will be then dealing with cases that come before that tribunal. I'm looking for your familiarity with that legislation.

**Mr Robert W. Runciman (Leeds-Grenville):** I think, Ms McKellar, from our party in any event, I'm sure you're well qualified, having had a quick look at your résumé and your background. I guess our primary concern, and I think it's shared by a great many Ontarians, is the legislation itself.

There was an article in the news yesterday where



many, many employers are having great difficulty with this legislation and feel it's placing a burden on them that doesn't exist in the jurisdictions they have to compete with. Our committee is committed to revisiting this issue and making the legislation more workable.

We're not being negative about employment equity, but we share the Canadian manufacturers' view that the act is inherently racist and sexist. I guess from your perspective you have no difficulty with the fact that the act uses racial and gender classifications to determine eligibility to the government program.

**Ms McKellar:** Whether I had any difficulty with that or not personally would be irrelevant. The legislation is what it is. That's what I have to interpret and in a sense I suppose implement to the extent that disputes come to the tribunal for resolution.

**Mr Runciman:** I would see it as not being irrelevant in the sense that if you're going to be performing a job—and I would have assumed that you've gone through an interview process and you've talked about the kinds of things you're going to be doing. It's not irrelevant in the sense that anyone who's doing a job like this, which has very significant implications for the province, would want to appoint people who shared their ideology, their approach to dealing with these kinds of issues. But you're saying you're neutral as far as that goes. You don't have a position pro or con.

**Ms McKellar:** I think you've now restated your comment different from the question. I am supportive of the legislation, the principle of employment equity, you're right. I couldn't do this job if I weren't.

**Mr Runciman:** Okay. How did you get the job?

**Ms McKellar:** I'm a cross-appointee. I've been a vice-chair at the Pay Equity Hearings Tribunal since September 1992. You can see that on my résumé. I've also been involved in a pilot cross-appointment project with the office of adjudication doing employment standards cases.

**Mr Runciman:** We have a very limited time. I wonder if you could be very brief. Who approached you about doing this and who talked to you about it?

**Ms McKellar:** I was cross-appointed as a member of the Pay Equity Hearings Tribunal, which has merged—

**Mr Runciman:** How's it cross-appointed? Who makes the cross-appointment? Someone must say, "Would you like to do this?"

**Ms McKellar:** Sure, the chairs of the tribunals.  
1010

**Mr Runciman:** Approached you?

**Ms McKellar:** Yes.

**Mr Runciman:** Your original job was in 1992 that you came to the provincial government?

**Ms McKellar:** That's right. No, I came to the provincial government in January 1990 as solicitor to the pay equity tribunal.

**Mr Runciman:** To the pay equity tribunal. Do you have a history of affiliation with any political party?

**Ms McKellar:** No, I don't.

**Ms Jenny Carter (Peterborough):** Welcome to the committee. You did just touch on how you come to have been brought forward for this position and, as you said, you are a cross-appointment, so you're not somebody who's sort of coming in from outside. Could you tell us a little bit more about what skills and experience you do bring to this tribunal?

**Ms McKellar:** Okay. I went through this about three years ago when I was originally appointed to the pay equity tribunal. I articulated and then worked for four and a half years with a downtown law firm. I have a law degree. I worked with them. It was a firm that has a significant area of practice in employment law and administrative law and I eventually became their director of research, wrote a number of opinions, fact and various things like that, some of them touching on the area of pay equity.

Then in 1990 I became solicitor to the pay equity tribunal and performed all the functions of that office until September 1995. That included consulting with and preparing educationals for members. Then in 1992 I became a vice-chair and have conducted hearings there since in a tripartite forum, as well as pre-hearings, which generally occur before the hearing in an attempt to allow parties to resolve matters short of adjudication.

For about a year now I have been involved in a pilot cross-appointment project with the office of adjudication, hearing employment standards cases, which differ a bit from pay equity cases, because I sit alone as an adjudicator or referee and not in a tripartite group.

I have significant hearing experience as well as mediation experience, and I hesitate to use the words "academic grounding," but I think a significant amount of research into not only the Pay Equity Act, the Employment Equity Act, but employment regulations and statutes generally in the province.

**Ms Carter:** You have a strong labour law background. This is obviously very relevant here. You're also bilingual, I understand?

**Ms McKellar:** Yes. Not that I've ever had occasion to use that, but—

**Ms Carter:** It could come in handy.

The Conservative members here have raised the issue of employment equity as such, and obviously this is a very live issue and one that gets discussed in the media and so on. I would just like to put to you what to me is the nub of this and have you comment on it.

There is an assumption that somehow the designated groups are going to be less qualified, less fitted for jobs than white males are, and that therefore if we hire them in proportion to their representation in the population, we are going to be hiring inferior people. As I say, I think that's at the base of a lot of the comments we've been hearing. I'd just like to have you comment on that.

**Ms McKellar:** I guess I don't really know what kind of a—other than comment, is there a particular question you have?

**Ms Carter:** Well, as I say, it seems to me that this is the unspoken assumption in a lot of the opposition to this legislation that we brought in, that somehow we are going



to be employing people who are less fit for the job, whereas I believe what the act requires is that the best person for the job be appointed regardless of who he or she is. One would hope that eventually this would result in a fair representation of the population.

**Ms McKellar:** Yes. I agree with that and I would state that in the preamble, which I referred to earlier and which is quite lengthy, there is a paragraph that says—I have it in front of me and I can read it:

“The people of Ontario recognize that this lack of employment equity exists in both the public and private sectors.... It is caused in part by systemic and intentional discrimination in employment. People of merit are too often overlooked or denied opportunities because of this discrimination. The people of Ontario recognize that when objective standards govern employment opportunities, Ontario will have a workforce that is truly representative of its society.”

I guess the criticism is that the act throws the concept of merit out. Well, I think that's obviously not the case.

**Ms Carter:** Obviously, it doesn't, and yet in spite of the words you've just read out, this is the penny that doesn't seem to have dropped. It seems to me to be the problem that we're facing.

Just one other quick question: We're looking here at the three groups, the Employment Equity Tribunal, the Pay Equity Hearings Tribunal and the board of inquiry of the Ontario Human Rights Commission, coming together, which seems to be a very sensible idea and hopefully one that will save the taxpayers money and lead to greater efficiency. I was just wondering how you see the three tribunals working together.

**Ms McKellar:** I don't have any administrative role in their merger, so I can only comment on what has occurred from my perspective as an employee, if you will. Things seem to be working well so far. For example, instead of three registrars for three tribunals, we have one registrar. There are shared hearing rooms; there are shared library facilities. Certainly from that operational point of view it seems to be working well.

In terms of coordinating the adjudication, that hasn't really occurred yet, in a sense because we have had no employment equity cases, but certainly I understand that everyone's working together to ensure that there'll be a shared case management system and various things of that kind. So far it seems to be working well.

**Ms Margaret H. Harrington (Niagara Falls):** Thank you very much for coming. I think you've made a good point there about how the three tribunals working together hopefully will have some efficiencies and will be effective for the people of Ontario.

I just wanted to briefly ask you, what do you see as the greatest challenge for this tribunal over the next short while? Being a vice-chair, what do you see as the challenge that you face?

**Ms McKellar:** We've certainly had no cases in the Employment Equity Tribunal. There have been no cases filed, and that's pretty much when a tribunal obviously becomes involved in the process. I think the experience from pay equity is that pay equity plans are a huge thing

and if you have to adjudicate an entire pay equity plan, then there's a considerable amount of time that has to be invested in legal costs.

I think it's true of any kind of litigation that the solution that parties come to themselves is often one they're more sold on than an adjudicated resolution. So I think one of the challenges is going to be to try and use as much effort as possible to resolve matters short of hearings or to confine hearings, if they occur, to specific issues. I think that would be a great service, and to that end there's a level of mediation and a level of pre-hearing set up for employment equity.

**Ms Harrington:** I wish you well in your job ahead.

**Mr Gary Malkowski (York East):** Thank you for your time and for coming here. I was wondering if you could comment about people with disabilities. They experience discrimination in the workplace related to promotion, and also other people have different experiences of discrimination happening in the workplace. So how do you look at those two things, individual discrimination and systemic discrimination? How do you see that we can improve the system in the future?

**Ms McKellar:** Currently, I guess there are two avenues. We have the Human Rights Code, which deals with individual complaints which can be based on discrimination in the workplace based on disability, and then there is the more systemic solution found in the Employment Equity Act. I think the employment equity model which is based on a proactive solution would ultimately be a better solution, but until it's sort of a perfect world, there is obviously going to be room for, and resort to, the Human Rights Code, and again because a particular individual only benefits indirectly from an employment equity plan and not as a specific complainant. I don't know if that answers the question.

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**Mr Alvin Curling (Scarborough North):** Thank you for giving me this opportunity to interview you, Ms McKellar. Maybe I should start off by saying that how I understand this process to work is like we are the employer and you're seeking an employment within this huge bureaucracy and my job is to find out if you're suitable for this job, although, peculiarly enough, at the end of the day I have no influence over deciding that. Those over there have been given orders to vote in the manner which they will do consistently, whether the person is qualified or not.

Could you then tell me, what is the earliest time you feel that a case would be anticipated to be tried before the tribunal?

**Ms McKellar:** I have no idea.

**Mr Curling:** Give me an idea in the sense of when you feel, taking into consideration that employers would have to put their plan in place and all possible time, when you think a first case could possibly come before them, the minimum time.

**Ms McKellar:** The minimum time? You know, I really can't comment because I can't—

**Mr Curling:** Could I make a suggestion, then?

**Ms McKellar:** Okay.



**Mr Curling:** Could we say about three years' or four years' time? It takes about three years to put the plan in place, those who are asked, two- and three-year plans, to put it in place before a company gets its plan in place, and then we have the employment equity cops going out and looking around and seeing that, "Have you got your plan in place?" And then if there are any violations at all, then we move into the next stage.

**Ms McKellar:** That presupposes that there would be no complaints or issues relating to the process of putting the plan in place that would somehow find their way to us. That's why I can't comment. I think some pay equity cases came earlier than they were anticipated as well.

**Mr Curling:** So it's not immediate in itself?

Let me go back to some of the things I see my colleagues raise about the huge bureaucracy, about trying to get equity in our system.

Equity is a very expensive thing for government. We have the Ombudsman, we have the human rights, we have pay equity, employment equity, we have the courts and all these places.

Do you see a duplication in any way of bureaucracy—not of the problem—that we have an employment equity here but within the human rights we also have an employment equity section? And do you see that a confusion is then built in where the individual who may be discriminated in the workplace, not having any labels on it whether or not they have been discriminated because of equity of access or systemic reasons—it could be endemic reasons—then find themselves in the line, that long line of human rights, to find out it is not really a human rights case, it's an employment equity case?

Do you see a problem with that? By that time, you who would be serving on the tribunal have not even heard of that case yet, by which time that person would have exercised himself or herself over three or four years, because that's the waiting period in human rights anyhow. Coming to the tribunal after the person had been bankrupt, do you see that the processes would be effective to the individual who had been discriminated against?

**Ms McKellar:** Obviously, I guess, in the example you've given, if that occurred then it would not be, but I think it's an unlikely scenario. I want to distinguish. I don't think there's a duplication of bureaucracy. There are a number of pieces of legislation that focus on aspects of discrimination and equity, but the whole idea behind the merger we're involved in is to avoid the duplication of bureaucracy to deal with that. But the individual example that you've given, I would hope that that person, when they first approach the Human Rights Commission, would be advised of the availability of other remedies and other agencies and other avenues of relief that might be applicable.

**Mr Curling:** But they would not know. They have a case with the Human Rights. They put it before the Human Rights. The Human Rights takes three years to even hear the case properly, because that's the waiting in the backlog that is there. When they do find out that they're in the wrong line, they are maybe then asked to

joined the employment equity line, because that's where it is at.

I'm concerned that seeking justice, seeking equity, is a long process, is a process that delays justice, so therefore justice is denied. So I'm just saying, do you see that?

As a matter of fact, I'll just make this comment too. You say that employment equity is a proactive legislation more so than a human rights?

**Ms McKellar:** That's right, not complaint-based.

**Mr Curling:** I thought human rights was also a proactive one.

**Ms McKellar:** Yes, there are aspects.

**Mr Curling:** Therefore there are duplications then.

**Ms McKellar:** No, I don't think they are duplicating. The Human Rights Code doesn't require you to come up with something like an employment equity plan, no.

**Mr Curling:** That's true. Let me ask you another—

**Ms McKellar:** Your worker that you've put to me, I guess the solution for that is that there are more information services available.

There are offices of the worker adviser that deal with workers' compensation and various things. There's the pay equity legal services clinic that's been set up and represents employees who come before us—for the most part employees, but parties before us. Those kinds of information services would go a long way to alleviating that kind of problem.

**Mr Curling:** But you made my point: It doesn't. All these equity places and all these places where people go to redress their concerns are waiting three or four years, so therefore the system is just not working efficiently.

Let me go back to the point of the white male fiasco that came about the last time. I see employment equity as bringing equity to the workplace regardless of colour, class, creed, religion or handicap or disability; in other words, fairness to all, whether one is white male, black male, woman or so on. We hear about the level playing field itself.

Do you feel that the government emphasis, really, as a tribunal and an individual with great experience, should be much more in the legislative part of the sector of human rights and employment equity, getting proper legislation to be dealing with all people, making sure that we have the people obeying these laws, more than be into the process of forcing employers themselves to do things that sometimes seem discriminatory, to say that we must select because if one is black that is a preference, or one should be disabled, and not emphasizing merit?

Regardless of what is said, it is not emphasized here that merit is the key issue here, because the individuals outside are saying to me: "We are qualified. We just need you to move those barriers and then we can participate." That's what I'm hearing out there. Do you feel it is more in that area that we should be emphasizing our equity legislation?

**Ms McKellar:** I'm not a legislator.

**Mr Curling:** But you're a lawyer.



**Ms McKellar:** I am a lawyer. I think the debate comes down to—I mean, I take from your comments you think this legislation is discriminatory, or has an invidious discriminatory impact for white males.

**Mr Curling:** It is.

**Ms McKellar:** But what it says is, “I’m designed to redress systemic discrimination.”

**Mr Runciman:** From an NDP perspective.

**Mr Rosario Marchese (Fort York):** The Tories will fix that.

**Mr Runciman:** You better believe it.

**Mr Curling:** I want to be very clear too, with my colleagues and their views, about ideology. My party and I don’t feel to scrap this employment equity legislation. I think the government is moving in the right direction of getting equity, but I think somehow by moving in that right direction, they have caused more quarrels in that system. I believe in a society that is open for all, and I think that this does not allow it.

1030

Now my last question: Can this legislation stand alone? Let me explain a little bit. It wants equity in the workplace and the emphasis is placed on employers. In the meantime, while we are trying to get those who have been systematically, which we know of, discriminated against in the workplace, the other areas of the education system and the institutions and the professional organizations which continue to make those selections as to who should be lawyers, who should be doctors, who should be engineers restrict people from coming into the workforce.

Do you feel that employment equity as it stands could stand alone unless we address those other issues as forcefully as possible, like even the unions do that have cut a deal with this government about seniority and how people are promoted? Do you feel those issues have got to be addressed before we get into the workplace and be as tough as we are now?

**Ms McKellar:** I think those issues are addressed and remedied by complaints under the Human Rights Code.

**The Chair:** Thank you, Ms McKellar, for your appearance before the committee this morning.

Our clerk, Ms Mellor, has an answer to Mr McLean’s question about the television broadcast of the hearings.

**Clerk of the Committee (Ms Lynn Mellor):** I checked with the broadcasting branch. They were monitoring last night when the program was being transmitted out for the rerun, and there wasn’t a break in the transmission. There are a couple of things that may have happened. With the expansion of the cable services, some of the cable companies do not have enough capacity and are cutting off the parliamentary channel at 6 o’clock and putting something on in its place. In the other situation, the local cable company may have been having difficulty or perhaps some of the equipment the people were using was having problems.

**Mr McLean:** Would that cause the television within the confines of this complex—

**Clerk of the Committee:** If there’s something wrong with the equipment, perhaps, yes.

**The Chair:** Thank you for that explanation.

CHERYL CRAIG

Review of intended appointment, selected by official opposition party: Cheryl Craig, intended appointee as chair, Halton District Health Council.

**The Chair:** Our next intended appointment is Ms Cheryl Craig. Ms Craig, welcome to the committee. This is a selection by the Liberal Party. Ms Sullivan.

**Mrs Barbara Sullivan (Halton Centre):** Welcome to the committee. At this point you have been elected by the district health council to the position of chair. Could you tell the committee when that occurred?

**Ms Cheryl Craig:** Yes, I’d be happy to. First of all, thank you very much for inviting me to participate in the hearings. I was elected as interim chair last December, December 1994, after being originally appointed in February 1993 as a council member but elected in June 1993 on to the executive committee. I was vice-chair prior to becoming interim chair.

**Mrs Sullivan:** When your election was made by the council, which was some time ago, that appointment was forwarded to the government for confirmation, and the Halton District Health Council has had difficulties with respect to timely appointments. At one point, as I recall, they virtually couldn’t call a meeting until appointments were made at the very last minute and very late in the process. Would you like to comment on the timeliness of appointments to the DHC?

**Ms Craig:** While it has been an issue in the past, we’ve been working with the ministry and with the government and we’re finding that they’re coming through a little more rapidly now. We’re now in the position of waiting, and I understand it’s imminent: The people who were elected in last fall’s municipal election who will be serving on health council, I understand that their appointments are just about through.

**Mrs Sullivan:** You were successful in the municipal elections, elected to the school board.

**Ms Craig:** That’s correct.

**Mrs Sullivan:** How do you see that working with your time commitment to the DHC, and running the business that you run?

**Ms Craig:** In all three cases, we have excellent staff. I see myself in these roles as a facilitator and trying to take the broad overview of where we’re going. From a business standpoint, I am not involved as much in the day to day that I used to be as I do have staff who are very effective and efficient and doing very well. I’ve managed over the years to handle a number of duties, I think successfully. I have a high energy level and I thoroughly enjoy it.

**Mrs Sullivan:** Just recently, in the last session, the government passed Bill 173, and buried in that bill is reference to the district health councils in Ontario, including a firmer mandate with respect to their activity. One of the issues—although you understand that because it was buried in the long-term-care bill, there was not much public attention provided to that—that was brought to our attention by the Ontario district health council organization was that there was inadequate opportunity



for the DHCs to be accountable to the local population. Their accountability was solely to the minister.

One of the problems we have seen in DHC operation over a lengthy period is indeed that frequently they're either mistrusted or unknown by local populations. Had the government included accountability-to-the-community provisions, perhaps that difference in the mandate might have made a difference in the way DHCs are seen to operate and indeed do operate. Would you comment on that?

**Ms Craig:** Having the accountability to the ministry I think is obviously very important, but I think we do have an accountability to the community in view of the fact that we have a number of councillors who sit on the council. In fact those appointments we're just waiting to hear back on now. Also, the makeup from the communities I think at this time is very good in terms of the representation.

On your point about the community not necessarily understanding what we do and maybe as a result of that there's some perceived mistrust, I think it's more a communication issue. By having a high profile or a higher profile than we have, communicating what we do to the public and inviting their participation by having our meetings open and so on, which they are except for certain areas where we deal with issues of a confidential nature, I don't see that as a problem.

It's interesting you should ask that question because when I was first approached to participate on council, I really didn't know what it was, and as a past president of the chamber of commerce and working at the Ontario chamber as a director and having a business in the community, I was a little embarrassed. That's one of the thrusts of my chairmanship, to make us more known throughout Halton generally.

1040

**Mrs Sullivan:** One of the very important mandates which the minister has turned over to district health councils is the planning of long-term-care reform. You will know not only from activity in our own community but throughout the province that there's enormous controversy with respect to the development of the multiservice agencies. There is a commitment from both of the opposition parties that subsequent to the next election that legislation will be changed to ensure that communities are able to design the model that best suits the local communities. Could you from a personal point of view, apart from being chair, comment on the kinds of changed approaches that might be viable in our community, for one, to ensure that long-term-care reform will in fact be up and running and workable rather than being confined by an inflexible template?

**Ms Craig:** That's several questions. Maybe I could break it down a little bit. My concern as a council member, when we were working through the long-term-care committee process, was that there were no costings as to the impact of the reform, which is, by the way, desperately needed. There was also a concern that we were structurally changing some existing agencies that are up and running, that are working very well, and I had to step back to another time when, if you take something

and you tear it apart and then you rebuild it, in some cases that works very well. Through the health council we have had very good collaboration with the existing agencies to get on with long-term care. In fact, I think our community is somewhat advanced compared to other communities.

But I think we could do some things differently, and over the next four to five years, as it evolves, I'm sure there will be changes in certain structures, how the structure finally evolves. But the council did endorse the committee's recommendation and we were directed by the ministry with certain criteria, to come back with those responses which we, being a creature of the ministry, did quite successfully. I hope to have a positive impact as chair in bringing that along and possibly, as life evolves, we can see the final structure in more of a renovated form rather than a totally restructured form.

**Mrs Sullivan:** That's frankly heartening. I think one of the issues we are deeply concerned about, and you've talked about it, is the local agencies which will in fact be put out of business as a result of long-term-care reform. You've also mentioned the costing and no impact as a result of the change in the proposals. We are extremely concerned, deeply worried about the costing and particularly many of the provisions of Bill 173 which would require severance payments to people who are thrown out of work from existing agencies, pension entitlements which exist for many of those workers and the difficulties in transferring those pensions—

**The Chair:** You are out of time.

**Mrs Sullivan:** Am I out of time?

**The Chair:** Just about.

**Mrs Sullivan:** Okay. Perhaps I can just finish this point, Madam Chair. As well, there is the preference in hiring which is given to union over non-union workers from existing agencies if they're taken on by the new MSA. We see a lot of money wasted by jumbling the services and not putting that money where it should be, into service. I guess with that the Chair is going to cut me off, so I'll have to leave it.

**Mr McLean:** Welcome to the committee this morning. For district health councils, I guess the bottom line was to make recommendations, within their community of jurisdiction, to the Minister of Health, of what they felt are their priorities. Do you feel that the process has worked well in Halton?

**Ms Craig:** From what I've seen in my tenure on council I think it has worked well, but we're working to make it work even better. As chair I've undertaken a few initiatives with council and staff and they are proceeding. Yes, we are a planning body; yes, we are there to advise the minister, and that's where I'm trying to bring my background into play.

**Mr McLean:** Has your organization made any recommendations with regard to where a dialysis unit should be in a specific hospital setting or have you made some of those recommendations?

**Ms Craig:** At this point in time I don't believe we've been that specific on that issue. I know that in the community health care service, one of the agencies at the



community level is very expert at performing this in a home care setting.

**Mr McLean:** Has your group had any input into the multiservice agencies that are being set up in Bill 173? Were you asked for your comments or input into that?

**Ms Craig:** Yes. We all had an opportunity prior to our council making the decision on what the committee presented to us, and that is a matter of record.

**Mr McLean:** Do you think multiservice agencies are going to work?

**Ms Craig:** Yes, I think it can work. The final form may not be exactly the way it appears now, but I think as you're going through any kind of reorganization and restructuring, what you lay out on the page at the front end of the process and what you find at the end of the process often can be very different, and I think we have to be amenable to those community needs.

**Mr McLean:** The Ministry of Health is now implementing many of the recommendations from the joint task force. Are you familiar with the joint task force report?

**Ms Craig:** Could you be a little more specific on that?

**Mr McLean:** The paper outlines major health policy initiatives which entail significant responsibilities for the district health councils. That's the reason I asked the question. I was wondering if you were familiar with that report.

**Ms Craig:** Yes, I'm familiar with the thrust of having the health councils have more of an impact, more power, if you will. I'm undecided myself at this time.

**Mr McLean:** Has your district health council made any recommendations with regard to the home care program, extending it, making it broader to keep people in their homes longer? Has your council done anything in that line?

**Ms Craig:** That really ties in, to some extent, with the long-term care. Okay?

**Mr McLean:** That's right.

**Ms Craig:** However, on that issue, if I could elaborate on some initiatives that we're undertaking, one of the things I observed that ties in with your question is that from the first council meeting I attended, I wasn't quite sure of what we did as a community and I started asking, "Where's our inventory of services? What do we do here? How do we do it?" and so on.

It seemed that we were being petitioned to endorse various projects of agencies, and I was a little uncomfortable with some of those situations, being a new member at the time, not knowing what was already in place and concerned about duplication and related costing and so on.

Now, within the last six months, staff are undertaking initially to do a broad-brush approach to determine what agencies are in place, what they're doing, how they're funded and to see if we can align them a little bit better to do two things: to ensure that the service gaps are no longer service gaps and also to perform in a cost-efficient manner.

**Mr Runciman:** One of the challenges facing anyone

in your position, as well as legislators across the country, is cost control, and one of the few areas where I can congratulate the current government is the fact that they've been able to bring health care costs somewhat under control with respect to the profligate spending of the former Liberal government. There was a March 9 column in the *Globe and Mail* by national correspondent Jeffrey Simpson outlining why Ontario is in such bad financial shape, and he laid it all at the doorstep of the drunken sailor spending by the former Liberal government. That's why Ontario is in such significant difficulty now, according to a neutral observer, Mr Simpson.

I'm intrigued by the fact that one of the roles you've played, in the summary of your qualifications, is as a member of the quality assurance committee of the Joseph Brant Memorial Hospital. I'm not sure how widespread this sort of thing is. I'd like to hear a bit about how that committee functions.

My brother has worked in the United States for a number of years as a quality control officer. He's a registered nurse, went to the United States. He's worked in a number of hospitals where this is a major function of private hospitals in terms of keeping a very tight watch on costs and the effective use of the facility, making sure that beds are not being utilized for the wrong purpose, that perhaps some patients should be in a chronic care facility, that the operating room is being used to maximum efficiency and utility. I'm wondering if that's the sort of thing you did as a member of the quality assurance committee and if this sort of thing is happening across the area of your responsibilities.

1050

Hospitals in my area may have someone in the staff responsible for this sort of thing, but they don't have one individual whose sole responsibility is quality assurance and the effective and efficient operation of the hospital, and that's the sort of thing, I guess—I'd like to bring my brother back to Canada, but I'd like to see more of those kinds of opportunities. I think it makes an awful lot of sense, given the constraints we're facing now and will continue to face. Can you talk about that a bit?

**Ms Craig:** Yes, I'd be happy to. I had been invited to join that committee and was pleased to see that they did have those structures in place and that they were building on them. I'm very proud of my home hospital, being a consumer rep from Burlington. The Joe Brant is our community hospital and I think it's a model in this province for what they've done with the fiscal restraints. They're kind of out there in the far end of Burlington and maybe you folks down here may not be aware of that. As a result of that level of quality of service and cost-efficiencies, we in the community—

**Mr Runciman:** Can you give us some specifics, rather than general statements?

**Ms Craig:** It was a few years back and the structure of their TQM, total quality management, was just coming into place. They did have a patient quality control system in place that every 10th patient would receive correspondence and they would be invited to respond and, interestingly enough, we had very few come back that were negative.



**Mr Runciman:** This isn't what I was talking about, though.

**Ms Craig:** Oh, I'm sorry.

**Mr Runciman:** With quality assurance, I guess what you're doing is sort of checking with patients or former patients. I'm talking about really monitoring hospital operations to ensure that they're meeting the needs of the patients, but also doing it in the most effective and efficient manner so that we're getting the best bang for the tax buck as possible.

**Ms Craig:** Right. That fell under, I believe, another committee and the name escapes me at the moment. It was a committee of the combination medical staff, administrative staff and members of the public as well.

**Mr Runciman:** So there's no one on staff at the Joseph Brant whose sole responsibility is to do this sort of thing.

**Ms Craig:** There is, but they're doing a number of other jobs, as most people are in business and the public sector today.

**Mr Runciman:** I suspect to the detriment of the hospital and to the detriment of cost control, and I'm only saying this based on my brother's experience in how effective—and I know there's going to be some criticism of private hospitals as they operate in the United States, but for most of them the bottom line is a factor and they have to make a profit to continue operation—some would argue, to the detriment of their patients. But I'm sure there's a balance there that can be achieved. I think they run very effective operations, many of them, and I think we can draw on them, to some extent anyway. That's my concern and his observation of what's happening in Ontario, that there just isn't that kind of control there.

**Ms Craig:** I guess one area that is of concern in our community, not just in the Joe Brant, is the demands on the community acute care hospitals and the fact that we're underbedded in the chronic care area.

**Mr Runciman:** Yes.

**Ms Craig:** That's going to be an issue—well, it is an issue and it's going to be more of an obvious issue as we go on.

**Mr Runciman:** I hope in your role as chair you'll take a look at this sort of thing and the way that the Americans deal with it.

**Ms Craig:** It could be one of the things we look at.  
*Interjection.*

**The Chair:** Thank you. It's now the turn of the government members, you'll be pleased to know, Mr Marchese. Dr Frankford and Miss Harrington.

**Mr Robert Frankford (Scarborough East):** Welcome. It's very interesting that you're on the board already so we can get some insights on how councils function. Did I gather that you're an elected member of the school board?

**Ms Craig:** Yes. I didn't get an opportunity initially to update my résumé, but I was successful in ward 6 in Burlington in last fall's election to the Halton public school board.

**Mr Frankford:** The suggestion has been made that

district health councils should have a rather different role as managers of the total funding for health for a region. Since you're in education, let me flesh out the possibility, the comparison with education. Education was recently locally tax-funded, but now it's a combination of local plus provincial tax funding, and it's administered by elected representatives like yourself, with accountability through the ballot box. The ministry, the central authority, sets overall guidelines. Now, it seems to me that one could take that model and apply it to health. Would you like to comment on that?

**Ms Craig:** Certainly. I'd be happy to comment on it. I believe the structure presently, which allows for appointments through this type of a process, is very effective. I think you can go out and select people who can bring a specific skill set to the position, and you can then have your breakdown of consumer provider and then municipal representatives. Taking a look around our table mentally, we have excellent people with excellent skill sets that marry well with one another.

Sitting on the school board, while the property tax assessment basically pays the lion's share of it, much to our dismay at times, and you're dealing with a different type of structure, I would not personally like to see us go to elected representatives on the health council. I would also think it would be beneficial to the community to have them remain in voluntary roles.

**Mr Frankford:** Well, that's one position. But I think the alternative is worth consideration. I would point out that there is a considerable section of health care which is essentially unaccountable, and this is the area I know extremely well, which is the primary-care-physician sector, which I don't believe really comes within your ambit at all, although it's a significant part of the real health care that's being received out there.

**Ms Craig:** That's correct.

**Mr Frankford:** On that topic, in Burlington you have a pioneering, alternative-funded centre, the Caroline Medical Group. Do you have any familiarity with them? Have they come into your discussions at all?

**Ms Craig:** At this time, they have not come into our discussions. I am familiar with them because they're essentially in my neighbourhood, but I don't know a lot about them at this time in terms of my role on the health council.

**Mr Frankford:** I would suggest that you might profitably look at it. Because this is admittedly somewhat limited, it can only be a small proportion of the population, but it does have a registered population, with population demographics. I think that as you get more and more into planning, particularly at the primary care level, you'll find that this has a lot of the work already done for you. I think, because they have—

*Interjection.*

**Mr Frankford:** Sorry, I don't really have time, but since they have a registered population and are paid on a per capita basis, they have beautiful demographics, which is a sampling, admittedly, of that particular medical group, which I have not been in contact with for some time, but I believe they have some thousands of individ-



uals enrolled. I think that out of that there is the potential for the planning information that district health councils really need, and I don't believe that you have sufficient tools at the present time. I'm speaking generically, not knowing anything about your particular DHC.

**Ms Craig:** Would you like me to comment on that?

**Mr Frankford:** Please.

**Ms Craig:** Thank you. While we don't deal in the primary care area, I think we are probably well ahead of many of our counterparts, because we do have some good planners on staff and we do have considerable computer databases that we are drawing from to establish this inventory of services that I mentioned before.

We also have the opportunity to work with surrounding health councils—and realizing that Caroline Medical Group is in Burlington specifically, and it might be helpful to have access to that if it's appropriate—but we have to look at the whole Halton region and we're quite a mix of urban and rural residents. So while the south tends to be more urban, we have our northern areas that are quite rural and we are growing. So it's helpful to know that information is there. I appreciate that.

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**Ms Harrington:** I want to commend you for taking on this role. I think it's very important. People are beginning to know, at least in my area of Niagara, how important the DHCs are. You mentioned that you felt part of what you want to do is get a higher profile for the DHC, and I believe that's very important. I'm not sure how you're going to do it but I'm sure you will, with your level of enthusiasm within your community, and I hope you'll pass that idea along to the other DHCs across the province, and seeing as Niagara is very close to where you are I hope you'll communicate with them.

Minister Ruth Grier was in St Catharines yesterday speaking to about 400 or maybe 500 retirees at the CAW hall about long-term-care Bill 171. I was quite surprised; she got a standing ovation after speaking with them. We were making some very interesting announcements which were actually a result of the recommendations of our local district health council about, for the first time ever, funding from the Ministry of Housing as well as the Ministry of Health coming together so that you could put up a housing facility for people and have some services attached to it.

I know in our community it was a group called St Andrew's United Church, and they have been wanting this for years and years—it goes back almost 10 years—and finally the announcement came of getting these two ministries to work together. So I see that as a result of long-term care and the district health council and the community saying this is what the need is and being innovative. We can't just do it always the way it was.

The question I was trying to get to is what I see as probably the most difficult thing, and I want to know if it's your priority: How do we restructure the health care services across a whole region such as Halton or Niagara? Are we going to see some hospitals either specialize or close down, or how are we going to make it efficient? Are you going to face these kinds of questions?

**Ms Craig:** First of all, thank you very much for the support. As far as taking your hospitals in our region, we basically have four hospitals—Burlington has Joseph Brant; Oakville-Trafalgar Memorial is in Oakville; Georgetown serves the Georgetown-Acton area; and Milton—and they're all quite a distance from one another. We find that these community hospitals provide quite a good service in their respective communities. We find that when our hospitals need additional services, the patient populations tend to gravitate east and west as opposed to north and south. So we have our patient populations, for instance, in Georgetown maybe accessing the Peel hospital and we have the people in Acton and Milton often going to Guelph or McMaster or the Hamilton hospitals.

At the present time, from what we're seeing, and we're in the process right now of reviewing our hospital operating plans for this year, they do tend to remain being acute care facilities in their respective communities. Also, we get patients coming from the Stoney Creek-Grimsby area into our Burlington hospital. So we have some transition back and forth.

To say that we can take one of those hospitals and that it's going to specialize in X and the other will specialize in Y, I don't know if that's a practical issue because of the populations they serve and the way we're structured. In fact, Halton really is underbedded in terms of we have acute care facilities but our chronic care beds are very low. I'm concerned about that in terms of how we are going to provide for these people who are presently occupying acute care beds. We can move them into chronic care facilities in our community. That's an issue that we'll be addressing in the next few years, hopefully sooner.

**The Chair:** Thank you, Ms Craig, for your appearance before the committee this morning.

COSMO MANNELLA

Review of intended appointment, selected by the third party: Cosmo Mannella, intended appointee as member, Ontario Council of Regents for Colleges of Applied Arts and Technology.

**The Chair:** I'd like to welcome to the committee now our next interview, a selection by the Conservative Party.

**Mr McLean:** Welcome to the committee this morning. Is this a new appointment that's being made, or has somebody been filling this before? You're responsible for the collective bargaining on behalf of colleges of applied arts. That's going to be the position that you're going to be in. Are you working full-time now with the colleges, or what do you do?

**Mr Cosmo Mannella:** No. I work full-time in the labour movement. I'm director of training for the Carpenters union international.

**Mr McLean:** You're going to sit on this board and according to your résumé—the responsibilities of the position are with regard to collective bargaining on behalf of the colleges.

**Mr Mannella:** I may end up on the council's human resources committee, which is responsible for collective bargaining, but that hasn't been determined as yet.

**Mr McLean:** Yes, the council has established a



human resources management steering committee. Has that just recently been established, to your knowledge?

**Mr Mannella:** I believe it has been a long-standing committee of the Council of Regents. This is my first appointment. I'm up for the very first time for the Council of Regents, so I don't have all the history, but my understanding is that there has been a long-standing human resources steering committee and it is the committee that takes responsibility for the collective bargaining process.

**Mr McLean:** Who has done it before? Has there been anybody, to your knowledge?

**Mr Mannella:** From my understanding, the Council of Regents is responsible for collective bargaining as a council, but the steering group is the group that actually goes to the bargaining table physically.

**Mr McLean:** But it appears to me that you're going to be kind of designated as the individual who would deal with that.

**Mr Mannella:** I'm not certain that's the case. I've had a conversation with Mr Johnston and he's indicated that there are two possibilities: that I would be on that committee or the governance committee.

**Mr McLean:** I see now you're enrolled in an industrial relations degree program at the Center for Labour Studies in Washington. What type of course is that you're taking?

**Mr Mannella:** It's predominantly industrial relations and labour studies from the perspective of labour. It's sponsored by the AFL-CIO through Antioch University.

**Mr McLean:** And there's no place in Ontario that you can get that course from, I'll bet you.

**Mr Mannella:** I don't believe so.

**Mr McLean:** None of our colleges gives it.

**Mr Mannella:** No, sir.

**Mr McLean:** Anyhow, so you're not really familiar with the operation of the Council of Regents structure.

**Mr Mannella:** I have some familiarity with the structure. As I say, this is my first appointment. I haven't sat on the council before, but I have sat on a board of one of the colleges here in Toronto, George Brown College.

**Mr McLean:** Just reading the briefing stuff, I was interested to note that the council is composed of as many members as the Lieutenant Governor in Council, the cabinet, chooses to appoint. How many are on the board now? Do you know?

**Mr Mannella:** I believe there are 20 members.

**Mr McLean:** There's only one full-time who receives a salary and the others get a part-time per diem. Why did you apply for this, or were you asked to serve?

**Mr Mannella:** Actually, I was asked to serve because of my involvement with George Brown College and my involvement with labour. When the last labour appointee's term was expiring, I was asked if I would be interested in sitting on the Council of Regents.

**Mr McLean:** What changes do you think you can make, or is there anything specific that you're hoping to

accomplish as a member of the board of the Council of Regents?

**Mr Mannella:** I certainly don't purport to go in and revamp the college system singlehandedly, but I think there are certain discussions and debates that have to take place around the whole issue of whether the colleges are indeed preparing the workforce and engaged in the lifelong learning process that the workforce requires. I think there are some colleges that do that very well, and then there are some colleges that are not performing as well.

1110

Perhaps we could begin the debate with my involvement in perhaps creating some standardization and even specialization and ensuring that there isn't a duplication of courses throughout the system, which I think is somewhat of a problem. I don't know that it's a crisis, but there certainly appears to be some duplication in the system, and I don't think it's unreasonable, certainly with the cutbacks that we're looking at in the college system, to think that perhaps some of the colleges may have a specialty that they would want to involve themselves in particularly.

That discussion, the whole issue about whether or not the colleges are indeed fulfilling the role as community colleges, I hope to participate in those kinds of debates.

**Mr McLean:** I'm glad to hear that, because I often feel that the 22 or 23 colleges we have, when that program was put into place, were supposed to be for training people for the labour market, to teach them skills development and get them educated for the labour force, and I'm not so sure that we have filled our mandate in doing that. I'm glad to see that you're very positive on trying to make sure that it is broadened and that those types of things happen, because that, in my estimation, is what those colleges were all about. I wish you well.

**Mr Mannella:** Thank you.

**Mr Malkowski:** Thank you on your nomination to this appointment. I know that right now the reality is going to be that with the Liberal federal transfer cuts, the budget that was announced that also showed cuts in training programs, transfer payments are going to be affected, that's certainly going to have an impact on the colleges. How do you see the system responding to those cuts?

**Mr Mannella:** I wish I had an immediate answer for that, but the cuts, certainly from what we are hearing—and I don't have the exact numbers on these. As a matter of fact, the college president of the college board that I sit on indicates that the projections are that the cutbacks will almost total the total operating budget for all the colleges in the system, which I believe is around \$700 million. That's a considerable amount of money to take out of the system.

If I can just make an editorial comment, I think it really is a paradox to where the Liberal government wants to go in terms of labour market development and human resource development. They're talking about retraining the workforce, retooling for the coming technologies, and yet at the same time they're cutting



back in the very system that probably could provide the basis for that retraining. So I think it's a bit of a paradox in their policy.

How it actually plays out and how it's going to affect the collective bargaining process, how it's going to affect the issue that I mentioned earlier about certain colleges providing specialization, maybe the whole system has to be relooked at to determine that indeed there isn't duplication. It may well come to the point where individual learners and students cannot expect to go for a particular course in their own community. They may have to travel to a college.

These are broader questions that may have to be looked at and determined. We don't want to see the college system fall apart, but certainly with a \$700-million—if indeed that is the number—cutback, we are going to have to look at reorganizing the system.

**Mr Malkowski:** Thank you and thanks for sharing your concerns, which I think are the reality of the cutbacks from this Liberal budget that we have seen. It is certainly something that is a situation that is going to have major impacts, and I hope my friends across the table are listening to this concern as well, because it's something that within the province we have to make sure that we fight for what is best for Ontario. Thank you for raising those concerns.

**Ms Carter:** Welcome to the committee. Now, you have a labour background. Why do you think it is important that the Council of Regents should have at least one member with experience in the labour movement?

**Mr Mannella:** I think labour is a very big part of the whole labour market equation, certainly in the province of Ontario. Despite some setbacks, we're still very prominent, we represent quite a large number of workers, and I think labour has a role to play in terms of determining the future technologies. I know in my own union we're actively involved in some of the engineering schools in searching out new products and new technologies in order that we can implement the training within our own training centres across the country to prepare workers for the changing industry. So I think that's one of the roles we have to play.

The other of course is that we are involved in the collective bargaining process. Changing technologies, lifelong training, are all issues that will probably come to the bargaining table. Certainly labour has always been an excellent conduit of support for the community college system in that regard. Where would we refer our workers for training if it isn't in the college system?

**Ms Carter:** In the past the colleges and universities have been pretty well separate, in rigid compartments of their own, and students have not been able to switch easily between the two. I think people are finding more and more that the ideal education is a combination of what universities have to offer plus maybe some of the more practical courses they can get from colleges. I guess the government has been working on trying to create stronger links and more interchange between colleges and universities. Do you feel this is a good idea?

**Mr Mannella:** Yes, I do. I think one of the important

systems of any system of education and training is the bridges for people who perhaps have reached a certain point in their career, in a technical trade for instance, and would like perhaps to continue as an engineering technologist or pursue an engineering degree. I think how well we bridge those two careers and those two occupations is a mark of how well the system works.

Certainly in the economy today, where people cannot expect to walk into a workplace and remain there for 35 years, where they will have four, five or six or maybe even 10 different employers, I think that's something that has to be made available in terms of workers being allowed to make those kinds of transitions. So the bridging system is essential, and prior learning assessments, giving people credit for their work experience so they can obtain credentials, is essential.

**Ms Carter:** I understand from what you said before that you have a vision of a province-wide system where different things are offered in different places so that students can have the maximum choice with the best possible value for money from the point of view of expenditure on our facilities.

**Mr Mannella:** That would be an ideal system. I don't think it's unreasonable, given the economic climate today and the reality that government just does not have the money, to expect that students may have to travel a little bit to get to the particular course they want. Again, I'm not suggesting that's the immediate solution, but certainly if there is a reorganization, I don't think we can afford to duplicate services and programs.

**Ms Carter:** Of course, on the other hand, this means we have to fund students properly, because I understand with the spectre of higher tuition fees and the worry about paying back loans, students are less willing to travel away from home because this increases their costs. So I guess that's something we have to take into account.

**Mr Mannella:** It's a very serious problem, a multidimensional problem, both from the individual learners and participants, from the college system and from government, which has an interest in developing the labour force.

**Ms Harrington:** Thank you very much for coming to see us today. The colleges we all understand are very important to our future. I'd like to make you aware of Niagara College down our way. Because we've had such high unemployment, the enrolment is very high and our government has announced \$32 million for a new campus.

**Mr Mannella:** I hope it's built union.

**Ms Harrington:** Yes. What really concerns me is the future under the Liberal budget, the cuts that are coming down. They've announced the cuts now, but it's our government that's going to have to look at where these cuts are made and it's going to be extremely difficult. One figure that I've heard is raising of tuition fees for both universities and colleges. The tuition figure was roughly from \$2,400 to \$6,100 and something of the same scale for the college tuition increase: say, two to three times. Could you comment on that? Do you think that would work, or what are we facing?



**Mr Mannella:** There is a certain reality that most of the people who are trying to access training, or retraining now, are people who are unemployed or who have been either unemployed for a very long time or social assistance recipients who are trying to break into the workforce for the very first time. That creates a very, very difficult burden for that particular group.

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This is where I mentioned earlier about the paradox. We're trying to get people off the treadmill of social assistance, we're trying to get some relief from the unemployment rolls because of the UI system, and to cut back in the college system or to cut back in the supports or increase tuition really creates a paradox, because you're going to have people who actually need the system more than others who will not be able to access it for that very reason. So I think it's going to be important to try and maintain in this climate—and it's a very difficult question to answer here—affordability and accessibility. How we do that may be by looking at the college system itself to determine if indeed there can be ways of cutting back in the system without jeopardizing the quality of education. That's a mouthful. That's very difficult, but we are facing difficult times in education, definitely, and training.

**Ms Harrington:** I wish you well in finding how to do that.

**Mr Mannella:** Thank you.

**Mr John C. Cleary (Cornwall):** Welcome to the committee, sir. How long is your appointment for?

**Mr Mannella:** I believe it's a three-year appointment.

**Mr Cleary:** How many did you say were on the committee?

**Mr Mannella:** There are 20 on the Council of Regents, I believe.

**Mr Cleary:** How many of that committee would have to meet? How many would you have to have for a meeting?

**Mr Mannella:** I'm not sure what quorum is, to be honest with you. I haven't gotten into the details of what quorum is, but I know that it's fairly well attended. In speaking to Mr Johnston, the chair, he indicated that it is very well attended. There have not been too many meetings cancelled that I know of.

**Mr Cleary:** The meetings are all held in Toronto here?

**Mr Mannella:** Generally, the meetings are held on Bay Street at the council offices.

**Mr Cleary:** One thing that has been mentioned two or three times here—and your remarks about duplication. Would you like to go beyond what you said on where you think there could be savings?

**Mr Mannella:** I don't want to generalize and indicate that there's massive duplication throughout the system, but I am aware of incidents of duplication, where there are programs that are successful in one college and have done very well and have a good reputation and are well attended and turn out employable participants and another college throughout the system will try and put on that

course and it may not be as successful, but they will be vying for the same pool of participants.

I think if we take something like carpentry, for instance, there are a number of colleges that offer carpentry within a radius of between, say, Oshawa and Oakville. It's not unreasonable in today's day and age to expect that people would travel, say, from Oshawa to Toronto for a course, and yet, Durham offers carpentry and I know they're having difficulty filling the seats. George Brown offers carpentry. We have an industry training centre that offers carpentry. Mohawk College in Hamilton offers carpentry courses and Humber offers some, from what I understand. So I'm wondering if that's the best way.

I'm certain that the needs of the community are there, but when we have a situation where the seats are not being filled, then perhaps we really ought to look at that. That's one example. There may be others, but that's one that I'm familiar with.

**Mr Cleary:** How many meetings did you say you would have a month?

**Mr Mannella:** The Council of Regents meets once a month and then I believe there are committee meetings also, so it would be an involvement of about four or five days a month.

**Mr Cleary:** It's my understanding that you don't get compensated for this.

**Mr Mannella:** To be honest with you, I haven't even looked into that. If I would be there as a representative of labour, my organization would continue to pick up my salary, and if there were incidental expenses, like for parking or something like that, that would be the only consideration.

**Mr Cleary:** I know it's a very important role in our part of eastern Ontario that the colleges play and I wish you good luck. I know my colleague's got a few questions.

**Mrs Sullivan:** Welcome to the committee. I wanted to go back to the Gandz report, which you'd be familiar with, having served on the George Brown College board. I have Sheridan College in my constituency, the main campus of Sheridan, and we're very proud of it. Shortly after that report was released, suggesting that the entire method of collective bargaining ought to be changed and a new committee formed, there was legislation introduced by the current government. That is still not passed. I wonder if you'd comment on your impressions and judgement about that report and about the legislation that's sitting on the table now.

**Mr Mannella:** I don't want to discuss the whole report because it's been a while, but certainly on the issue of collective bargaining I think everyone who knows anything about the college system understands that the collective bargaining process can be quite cumbersome and difficult. I think we also understand that communities throughout Ontario have different needs, and the colleges serve different types of communities.

I'm not sure what the immediate response should be in terms of dealing with that issue, but certainly I think the collective bargaining system, particularly in light of the



cutbacks that are coming, and the number of collective agreements, the number of bargaining units at the different colleges, is something that probably should be examined.

I'm not suggesting that the existing system is not a good system, but I think it should be re-examined to determine if indeed it is and if there are problems within it, because it certainly has created problems. I think a situation where the whole college system could be on strike is not something that I think is good for where we're going in this economy. It's something that has to be examined.

I don't know where the legislation sits right now. I'm not familiar at what stage it's at.

**Mrs Sullivan:** Just sitting. What it proposes is that the Council of Regents no longer have responsibility for collective bargaining and that that work be taken over by a committee of employers.

**Mr Mannella:** Well, I wouldn't want to comment on that, because I haven't been involved in the collective bargaining process through the Council of Regents and I really don't—at my own college we just basically got collective bargaining reports. I wasn't involved in the actual—

**Mrs Sullivan:** Right; okay. The College Standards and Accreditation Council is expected to have significant impact on outcomes measurement and on determining the standards that are maintained through the college system. I wonder if you would comment on the Vision 2000 report, from which many of their most recent activities have sprung, and the pretty high criticism of many of the outcomes from many of our colleges.

**Mr Mannella:** If I can just concentrate on one of the areas which I'm most familiar with in the Vision 2000, which is a while ago, the area of apprenticeship, I think apprenticeship is probably an excellent model for training the workforce, and I would like to see an expansion of apprenticeship. I think we should work on standards.

First of all, we should create more apprenticeable trades, but then of course, because the apprenticeship model is dependent upon having a workplace, we have to have a functioning economy that provides jobs.

One of the problems with apprenticeship as it is unfolding now in the college system is that there is too much upfront, front-end-loaded training in the college. People who choose apprenticeship as a career path generally don't learn very well in that environment. They tend to learn better when they're doing. So the value of apprenticeship for those people is very clear.

I think we have to have standards, but not just province-wide standards; I think we need national standards, because if the workforce is in transition and the expectation is that the workforce will need portable skills, I think we have to work through the college system nationally to develop those standards for apprenticeable trades, and it's important to expand apprenticeship and the role of the employers and the labour movement in apprenticeship.

The area where apprenticeship works very well is in the construction industry, where our model is second to none, including the major European models, Germany

and Sweden. That was all done voluntarily because the employers and the unions understood that they had to make an investment because they needed a workforce if the industry was going to survive.

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I think that's the kind of tripartite partnership we need. We need the employers to participate, and we're doing that with these skills councils now. There are some major skills councils that have been developed: I know cars, the electronics and electrical industry. The construction industry is developing our own skills council.

Those are the areas that I would like to see the colleges concentrate on and expand apprenticeship in other areas, and the combination bridging question so that people have options, that if they do complete an apprenticeship, there is a bridging mechanism so that they can go back into the academic stream if they choose to advance their education and go for a professional accreditation.

**Mrs Sullivan:** That's a very thoughtful answer.

**The Chair:** Thank you.

**Mrs Sullivan:** Am I done? Gosh, I had another question.

**The Chair:** Thank you, Mr Mannella, for your appearance before the committee this morning.

JESSICA CARSWELL

Review of intended appointment, selected by government party: Jessica Carswell, intended appointee as member, Council of the College of Occupational Therapists of Ontario.

**The Chair:** We are now at our last interview for this morning's session and this is Ms Jessica Carswell. Welcome to the committee, Ms Carswell. Have a seat and make yourself comfortable.

**Mr Frankford:** Welcome. I think it's an interesting position because we are just in the process of setting up colleges. You're going to be a public member of a new college. Do you have any great familiarity or any concerns or anything that brings you to occupational therapy per se?

**Ms Jessica Carswell:** I actually had applied to participate in a district health council, and I was contacted by the office of public appointments to see if I would be interested in one of the regulated health professions. I was actually quite interested, given that I'm involved in quality in health care, and I understand that the Regulated Health Professions Act is to protect the public interest. In my current position and past positions and as a family member and a consumer, I feel that this is a very high priority within our health care system.

The College of Occupational Therapists is a newly formed college and, given that, I do have administrative skills that I would like to bring to the college, to be involved with the establishment of committees and the various structures that are required. I believe at this stage the College of Occupational Therapists is in the process of putting those committees and the structures and mechanisms in place. So given the establishment of the organization, I feel that the priority now is to put the mechanisms in place.



**Mr Frankford:** Yes, I'm sure it's going to be very interesting to flesh it out. I have a certain interest because my late sister was actually an occupational therapist. It's hard to think what the real problem areas might be in this particular profession, although one is always prepared to be surprised.

One thing that occurs to me is perhaps the scope of the practice and how one defines it. One of the questions which I'm sure comes up in relation to professions is where their turf ends and where the next one starts. I can see that occupational therapy can easily come up to a boundary with, say, physiotherapists and maybe psychologists and social workers and a number of other professions. Again, have you had any experience or given any thought to how those jurisdictional problems might come up?

**Ms Carswell:** As a public member, I'm actually not fully involved with the profession. However, having worked in the health care area, I believe that there will be processes that will have to be put in place to resolve those jurisdictional issues and that the high standards of all the therapists and all the health professions will continuously be set and evolve based on research and the jurisdictions that the actual professions work out together.

**Mr Frankford:** Another area which I think will come up is the qualifications and what training is recognized. I imagine you will get the question of the recognition of foreign qualifications. I wonder if you've given any thought to that.

**Ms Carswell:** In terms of qualifications, I believe the therapists who are involved in the professions will have the kind of professional information regarding the best practices, and if they feel that externally there are decisions that can be made around quality based on whether people who are applying from other training from other countries actually have training that matches the best practice, as well as the consumer input to what the needs of the consumer are as well, the combination of best practice and responding to consumer need hopefully would be involved in the decision. But I personally am not aware of the level of training and the other factors involved in the profession externally to Canada.

**Mr Frankford:** Well, judging from my knowledge of other professions, you probably will get questions about internships and showing equivalency of foreign qualifications and what should be done to make people familiar with practice here in Ontario.

**Mr Daniel Waters (Muskoka-Georgian Bay):** Good morning, and thank you for coming in. I'm the person who asked for you to come in, so if you had trouble getting here, blame me. It was out of curiosity, because it is a new regulatory body, and you being a public appointment to that body—just to explain how it works, we get a list of names, we don't get a background, and I very much wanted to see what your background would be. I am more than pleasantly surprised at you as a public member, because when I look through your CV, "standards and quality assurance," "quality coordinator," it goes back all the way back through, and memberships in different things, the quality and standards association, so you have a background in that. At this very important

time, it's my feeling that would be very good for the college, because you're in a position, as Dr Frankford said, that you are starting something up.

What do you see as unique qualities in the legislation that would help enhance the public accountability, or do you actually see that there are within the legislation things that will indeed make it accountable to the public?

**Ms Carswell:** Public representation is one very important component that, for professions that have been regulated in the past, was not there to the same extent. From what I understand, there is flexibility to improve the legislation. I'm not exactly familiar with the terms, but there's the main act and there are additional acts that tie in so that the legislation itself can continue to be improved.

I see a number of committees that every regulated health profession has to have in place, and accountabilities built into things such as the quality assurance programs, the fitness-to-practice programs and a number of other programs that will be put into place—a discipline committee—whereby the public will have the opportunity to follow due process if they have any concern with anyone within the profession or with the whole process of the profession itself, the standards and the educational standards.

1140

**Mr Waters:** It's probably an unfair question, but have you had any discussions with other members who have been appointed, or with the chair?

**Ms Carswell:** Of the council of the College of Occupational Therapists of Ontario?

**Mr Waters:** Yes.

**Ms Carswell:** I have attended an educational session. I actually asked ahead of time to receive additional information because I am very interested in seeing the directions in which this particular council is going, so I have had some discussions and understand which committees are under way at this time and which ones require continued development.

**Mr Waters:** In the same vein then, where do you see yourself fitting in? Seeing you've had a bit of an overview, is there anything in particular you would like to be doing?

**Ms Carswell:** I'm interested in the process through which, for example, the quality assurance programs are put into place. I'm also interested in how the committee structures will pull together and how they'll communicate to the public when their input is required in the various processes of the various committees. In addition to being a public representative myself, I'm interested in how the standards of practice are going to be set, how research is going to be tied into it.

**Mrs Sullivan:** Welcome to the committee. We have gone through close to 15, almost 20, years of work around this place with the various professions in finally reaching the passage of the Regulated Health Professions Act, and then finally of course having seen the regulations associated with that act, and then the setup of the council, of various councils.

Much of the discussion through that period of time,



through all three political party-led governments in Ontario, has not been controversial but has been tense, to ensure that the scopes of practice are written appropriately. I see you have quite a background in health care. Are you familiar with some of the questions that arose regarding the various scopes of practice for the individual colleges?

**Ms Carswell:** No, I'm not, with the specific questions.

**Mrs Sullivan:** You mentioned your interest in quality assurance and you're working in that field with the municipality of Durham. One of the issues of major concern latterly, subsequent to the passage of the Regulated Health Professions Act, was the very question of quality. The matter was included in a bill that was not the RHPA and came as a surprise to virtually all the health care organizations that had been participating in discussions regarding the RHPA and discovered that the quality assurance issue was injected into a bill on sexual assault by health care professionals. Indeed there had not been discussion with them with respect to the scopes of practice and how the practitioners could be assured that they were treated fairly when called by colleges for retraining or for upgrading and so on. Have you had any of those discussions in your education day that's taken place so far?

**Ms Carswell:** Not with respect to the actual issues around the legislation as the sections were put in.

**Mrs Sullivan:** You might want to follow up on that, because it certainly is a concern among the providers and professionals: how the colleges are indeed going to make requirements for upgrading or retraining, reskilling, if there are complaints—sorry, not complaints, but if a call is made that is not an official complaint about the work of the individual.

The other concern that particularly affected occupational therapists was in relationship to the bill on sexual assault by health care professionals. Their concern is that because this is a hands-on health care field, there could well be misinterpretation with respect to the use of hands and that this might be interpreted as a sexual overture or advance or assault. Was that brought up in your education day?

**Ms Carswell:** No. The actual discussions related to the act have not been involved with my—

**Mrs Sullivan:** It's not only the RHPA and your own act that affect the profession, because the sexual assault issue is a matter of discipline that the college will be dealing with. That's another one you should raise with them as you're going through it. I think of all the professions the occupational therapists were one of the most concerned about the openness of interpretation of the words in that bill. That's something to look for.

The people who work in this discipline are located at many sites: Many of them are in primary care practices, many of them are in hospital situations, in long-term-care facilities. How do you see a viable quality assurance program or quality assurance responsibility coming out of the college for professionals who are working in so many different sites and so many different circumstances? In

fact, isn't it a better place, really, for the quality assurance to come out of the practice sites themselves rather than from the college?

**Ms Carswell:** From my understanding, the onus on an organization to have a quality assurance program or a quality management program would not be relieved by having a professional quality assurance program, that organizations still would have an onus to help ensure the quality of practice within their organization.

However, professional knowledge and peer information would be available more through the actual college for occupational therapists; there may be information that's available through the profession that the organization itself may not have access to or be as current on. From my understanding, the combination of the two hopefully wouldn't duplicate but may complement each other.

**Mrs Sullivan:** I suppose the difficulty is that the role of the college in the quality of care provided by the professional tends to come forward through disciplinary hearings rather than through proactive direction, which is part of the concern of some of the professionals too and was certainly a concern when that particular legislation was going through the House.

What was your reaction when you received the call saying, "No DHC, but how about the college?"

**Ms Carswell:** I was very interested because I felt that, given my background, I had skills I could offer, and the College of Occupational Therapists being a new college, it sounded as if I could use those skills to help put in place the mechanisms that weren't there, and occupational therapists have the potential to contribute to quality of life. Given those issues, I was very pleased.

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**Mrs Sullivan:** Were you surprised?

**Ms Carswell:** I was surprised, yes, very surprised.

**Mrs Sullivan:** I think I would have been, if a call had come out of the blue to say, "How'd you like to sit on the board of the council of the College of Occupational Therapists?" It's a very unusual call to receive.

Are you familiar with the HPRAC, the Health Professions Regulatory Advisory Council?

**Ms Carswell:** I know a bit about them. I know they're making decisions around which professions should continue to be regulated and new professions that wish to be regulated.

**Mrs Sullivan:** And when there should be changes in scopes of practice, the matters are supposed to be referred to HPRAC for consideration in a multidisciplinary way. Unfortunately, the current minister has decided not to refer several issues which have created great concern. As a public member of a college, is it your opinion that the minister should refer all of those issues which the legislation requires her to?

**Ms Carswell:** I don't feel I'm familiar enough with the particular issues involved to comment. I believe there's a process in place, but I'm not sure of the details related to what has not been referred.

**Mrs Sullivan:** Nurse practitioners and midwives.

**Mr McLean:** Welcome to the committee this morn-



ing, Ms Carswell. You're employed at the regional municipality of Durham in seniors' services?

**Ms Carswell:** That's correct.

**Mr McLean:** What do you do there?

**Ms Carswell:** I'm a quality coordinator. There are three facilities I assist with putting the process in place to help improve the quality of care in the three facilities.

**Mr McLean:** Does the region have any homes for the aged under its jurisdiction?

**Ms Carswell:** They are three homes for the aged that I work primarily with.

**Mr McLean:** So you visit the homes, do you?

**Ms Carswell:** Yes, I do.

**Mr McLean:** And you help people in the home with therapy, or do you direct who does that?

**Ms Carswell:** I'm not a therapist myself. I'm a quality coordinator, so my position is to help the management and staff put processes in place to improve the quality of care. That's how I'm involved.

**Mr McLean:** In your résumé you say you initiated and revised a Canada-wide quality assurance program, home health care services. What did that entail doing? Were you working for the company in Kitchener at that time, by the name of Comcare?

**Ms Carswell:** I was working for the company out of Kitchener, but the main office is actually in Toronto. I had to work to help put together the standards document, devise a large number of surveys for the consumers of the service. I was involved with detailing of policies and procedures and actually conducting onsite audits.

**Mr McLean:** Did you do a printed booklet on it for other health care providers to use, or did you go that far?

**Ms Carswell:** We did have a printed booklet that was used within the organization.

**Mr McLean:** And the details in part of that would be for health care providers, directed mainly at what?

**Ms Carswell:** Directed mainly at the staff of the various offices who were involved in providing service.

**Mr McLean:** It hasn't been that long that the physiotherapists have been regulated. How long ago was it that they were allowed to charge OHIP for services they provide? Do you remember?

**Ms Carswell:** I'm not a physiotherapist myself, so I—

**Mr McLean:** I understand that, but you're going to be on that board that will be dealing with them.

**Ms Carswell:** That would be information I would definitely be interested in finding out.

**Mr McLean:** Great. I see you have a long, extended career in health care in what you've done. I commend you for that and I wish you well in your appointment.

**The Chair:** That completes the three-caucus involvement with your interview, Ms Carswell. Thank you for your appearance before the committee this morning.

Now, committee members, we're going to move into a subcommittee meeting, so the rest of the members, we will see you back at 2 o'clock this afternoon.

*The committee recessed from 1156 to 1403.*

#### ALAN BERNSTEIN

Review of intended appointment, selected by government party: Alan Bernstein, intended appointee as member, Ontario Cancer Treatment and Research Foundation.

**The Vice-Chair (Mr Allan K. McLean):** We'll continue our review of the appointments. Mr Bernstein, you can either make an opening statement or we can proceed right into questions.

**Dr Alan Bernstein:** I'm at your pleasure.

**Ms Carter:** Welcome to the government agencies committee. Could you please tell us why you're interested in being a member of the Ontario Cancer Treatment and Research Foundation?

**Dr Bernstein:** I guess the answer I'd give is I'm very interested in cancer. My professional life is centred around cancer research quite largely. I think I bring some insights and some experience into that area from all my other activities. I think I can do some good and help out, so that's why I'm interested.

**Ms Carter:** What particular skills or strengths from your background do you have that would make you an effective member?

*Interjection.*

**Dr Bernstein:** Yes. As we say in genetics, I hope I have a commonsense gene. I think that's the major skill. I contribute and I participate internationally in cancer research. I've served on, and still do serve on, boards of directors; for example, the National Cancer Institute of Canada. So I have some insights and perspectives on cancer research nationally and internationally which I can bring to the table, I think.

**Ms Carter:** I think we all have an interest in cancer because it's so common and we all hope that it won't strike us or it won't strike our nearest and dearest. There are two things that I wonder about particularly. I have heard that for every cancer patient who is treated the health system spends something like \$1 million. Of course, on the other hand, I think we all wonder whether the incidence of cancer has actually increased or whether it is just a function of the aging of the population. I tend to think that it's a bit of both, but you're the expert. Obviously, prevention is part of the government's strategy. But I wonder what you feel about the proportion of our attention that is devoted to prevention. I have heard that as many as 80% of cases may be preventable, and obviously that's an arguable figure too.

**Dr Bernstein:** Yes.

**Ms Carter:** Given the expense on the one hand, the fact obviously that nobody wants to get it or have anything to do with it, and on the other hand the fact that maybe a lot more prevention is possible, what do you believe should be the main focus of the board?

**Dr Bernstein:** I think prevention has to be one of the main foci of any broad cancer strategy. You know, an ounce of prevention is worth a pound of cure, and cures, as you said, are expensive. But they're more than expensive; many of them are ineffective. So it's clear that we need to do a lot more research and work on prevention. We know that certain kinds of cancers are clearly pre-



ventable. Lung cancer is the one, of course, that jumps out. If you look at the curves of incidence, the incidence of lung cancer is still skyrocketing in both sexes. In fact, the incidence of lung cancer is now greater than the incidence of breast cancer in women. So yes, it's clear we need to do a lot more research on prevention, and I'm very supportive of that.

**Ms Carter:** We certainly seem to have, as it were, singled out tobacco, and that, I think now, is something that's generally accepted, that it is a cause and that it should be combatted. But what about the workplace? Obviously, a lot of us have workplaces that would be very unlikely to carry any kind of a risk, but I think there are certain occupations where you couldn't say that. I wonder whether that's something that we need to be looking at.

**Dr Bernstein:** I'm now speaking outside of my direct areas of scientific expertise. But clearly if there are workplace areas where there's an increased cancer risk, we need to (1) identify that, be confident of that identification, and (2) do something about it to clean it up. I think this is essential. These are difficult areas to do work in and to unambiguously show that a given workplace is predisposing to cancer. If you think back to the 1950s or 1960s and how clear the evidence was that smoking causes lung cancer, we still have a large number of influential people in our society who argue that those data are not true. These are difficult things to prove unambiguously, but we need to work at it.

**Ms Carter:** In general, do you think that sufficient funds are being spent on cancer research?

**Dr Bernstein:** No, I do not. I think that there are a lot of good people and good ideas and areas that are not being approached. Money doesn't solve every problem, but I think that money could still be spent very wisely that just isn't available at the moment.

**Ms Carter:** Okay, I'll defer to my colleagues.

**Mr Frankford:** Welcome. We're obviously very struck by the extent of your résumé. Could you perhaps briefly outline what you feel the strengths of cancer treatment and research in Ontario are and what you would like to emphasize when you're on the board.

**Dr Bernstein:** On the first part of your question, I think we should all perhaps be proud of the cancer treatment and research network and facility that's in place in this province. I think it's outstanding. I believe it's recognized worldwide for its quality and its excellence, both at a technical level and also at a humane level.

In terms of my own areas I would emphasize, I'm not sure yet. I think I need to get more familiar with what OCTRF is really about. I have my own interests and my own areas that I think are important in general in terms of OCTRF and I'm familiar with a lot of the cancer research going on in the province, obviously, but I'd like to go to a few meetings before I express a strong view in that regard.

1410

**Mr Frankford:** One of my interests that comes up quite frequently is palliative care. Is that something that will be within your mandate, do you know?

**Dr Bernstein:** I think somebody said at the outset that we've all had personal experiences with cancer, and so have I. I think palliative care is an important area of any cancer initiative, both treatment and research, and it's a relatively new area that could deal—the fact is, for many cancers we can't do much and we have to therefore “resort,” if I can use that in quotes, to palliative care. I don't mean to denigrate it, but it's an important part of what goes on in dealing with a dying cancer patient.

**Mr Waters:** I came out of industry, and getting back to something that Ms Carter was talking about, I have grave concern about what's going to happen in industry probably in the next 10 to 20 years because of the latency period of cancers and that type of thing. I'll give you an example. As a child I used to help at my local township to spray a chemical called Brush-Bane, which we know is a carcinogen. We used to spray it to defoliate plants. We should have known there was something wrong with it when something that was green was, within an hour, shrivelled up and brown.

**Dr Bernstein:** Good clue.

**Mr Waters:** Good clue, but in the latter part of my career, working with my last employer, for one, looking at that particular one we dealt with a lot of exotic chemicals, plastics and those types of things. What I discovered in doing that was that indeed we really don't know. When you combine four or five plastics and catalysts and things like that and heat them up to the boiling point and you mark the product that if it should be involved in a fire it is a carcinogen, when you bring it to that point and you mix four or five together, what have you got?

I'm wondering, is there anybody out there looking at any of this? Otherwise I think we're going to have a horror story in the next 10 or 20 years.

**Dr Bernstein:** You've raised a very important and interesting point. I think yes, people are looking at it. We have had these sorts of chemicals in our environment for a long time now, and I don't mean to imply that these chemicals are not going to cause cancer. But so far, most of the data would suggest that if you look at the curves over this century of cancer incidence, a few have gone up, most notably lung cancer, but most have either stayed flat or gone down quite dramatically, like stomach cancer, for whatever reason. No one really has a good explanation for that.

There are clearly some high-risk groups in industry that may be exposed to very high levels of these compounds and we need to identify that and do something about it, but in the population as a whole there's no good evidence yet that these new chemicals we are making and introducing into our environment are actually impacting on cancer statistics in a major way, at least. That doesn't mean it won't 10 years from now; I can't predict the future. But these are difficult things to research because they're just difficult questions to get at. I guess we need to err on the side of caution.

**Mr Waters:** I guess that would be my feeling. When you go to an employer and the employer says, “We know it's an irritant”—when your eyes break open, around your eyes, and they bleed after every day and the blood comes



out of your nose and out of the corners of your mouth, that's an irritant in most of industry. I guess if you breathe that in long enough, it's going to become somewhat more.

But that would be all I'd have to ask of you. I think you're a wonderful candidate for this. I don't know where you're going to find the time, but I know people like you always do.

**Dr Bernstein:** I hope I can find the time.

**Mrs Sullivan:** Welcome to the committee. I'm sure, Dr Bernstein, that people who are working at and with the OCTRF will more than welcome your joining of that board, because you bring such enormous strength, both academic and stature, that's international. I think it's a tribute to the OCTRF that you've put yourself forward to work with them, but it's also a tribute to Ontario that you're willing to take that time, and I think that we all appreciate that.

You've put a large part of your working life into the research functions, and Mrs Carter earlier spoke a bit about some of the research issues. Our party has recommended that in Ontario there ought to be a strategic plan for health research in general and that a health research and development council should be set up. That is not unique to our party, either. I should suggest that many people who are involved in medical research and other health care research, including systems research, have put forward a similar recommendation.

I wonder if you could just speak about the way you might see a body of that nature operating in terms of prioritization of research and involving the kind of additional dollars that may be able to be levered in a strategically directed research environment.

**Dr Bernstein:** First of all, that's an open-ended question, of course. I could talk a long time on that. I think it would be very valuable for the province and for the provincial government to initiate a strategic planning exercise out of which would come a strategic plan of what it expects from its dollars that it spends on research in the province and how best to leverage it from other sources—from industry, from the federal government etc. I think that's an excellent idea.

Yes, I think we could use more dollars. You asked me for an actual amount. I don't have a number in my head, because I don't really know how much the province currently spends, and it might be hard because some of the money the government puts into higher education, for example, really goes towards research in one way or the other in terms of infrastructure, for example.

It's clear that these are tough times financially, at all ends of the spectrum, but certainly at the user end there is a great need for more money for research. What that dollar amount is, I have no idea at the moment at the provincial level. I think to justify more money for research you clearly need to have a strategic plan: what you want to accomplish, what you expect from it, etc.

In terms of priority areas, that's a very big question. I'm a strong believer in excellence. I think excellence in research really should be, if not number one, very close to the top, because in my experience excellent research

almost always is relevant and has economic value in the long run.

**Mrs Sullivan:** One of our other proposals is for a cancer care agency which would again be involved in the strategic planning for province-wide cancer care that would integrate thrusts in both the formal and informal cancer system. The OCTRF has been very favourably disposed to that approach and particularly, I think, in the area of value that people at the OCTRF see in ensuring that the protocols and guidelines are consistent, that service delivery is consistent and that there can also be an element of patient involvement in strategic and other planning.

I wonder if you'd comment on that. I have to say that one of the few things I give credit to the current government for is the Provincial Cancer Network—bringing Les Levin in from London I think was a very positive move—and I understand that its work will be presented to the minister very soon, or the initial round of its work. My own hope is that this will lead to a continued emphasis on more of a coordinated process through an agency, but I wonder if you'd just comment on that.

**Dr Bernstein:** I think my only comment can be that I can't comment at the moment about the relative merits of a foundation versus an agency. I don't want to duck it, but I'm just not familiar enough with the clinical side, which is where I think the greatest impact would be. Not being a clinician myself, I'd need to sit on the foundation for a while and get a sense of that.

1420

**Mrs Sullivan:** Okay. That's fair.

Your research has been in the genetic field, where I understand there are fairly recent new emphases being placed, and indeed today I noted in the *Globe* or the *Star* that there's some new news from the *New England Journal of Medicine* with respect to smoking, tobacco-related gene links. The question that I want to have some comment on is, given your specialist research area, would you just talk to the committee about the current emphasis in that area in terms of cancer research and where you see improvements being made or required.

**Dr Bernstein:** Again, this is something very close to my heart. Genetics of cancer is a very hot area, a very exciting area. The progress in this has really been tremendous over the last five or 10 years. When I first started in cancer research people used to argue, "Are genes involved in cancer or not?" We've gotten to a point where at Mount Sinai just down the street, for somebody with a familial history of colon cancer, we take some of their DNA and tell them whether they have a mutation in the colon cancer gene or not in a few days. So, you know, that's pretty remarkable progress in a 20-year time period.

I think the impact on treatment, on prevention and on diagnosis is going to continue to be tremendous. I can't really overestimate how important the genetic aspect will be on cancer. I think the basic fact is that cancer is a disease of cells. Cells go amok. They start growing uncontrollably when they normally would not, and the reason they do that, we now know, is because of muta-



tions in some of the genes that control whether a cell grows or not. So getting a handle on that is really, I think, the first step in understanding the disease and therefore hopefully preventing it and treating it and certainly diagnosing it. Again, the impact on diagnosis is immediate.

That's a very short answer and I can elaborate on any of those points, but I think the impact is going to be quite tremendous.

**Mrs Sullivan:** Thank you. Just as a matter of interest, I think that—she hasn't called my time yet so—

**The Chair:** No, "she" hasn't, but you've got two minutes.

**Mrs Sullivan:** Okay. Thank you. As a matter of interest, most of the hospitals on University Avenue are involved in cancer treatment and diagnosis, some of them, and care. The work that you are doing closely approximates, I guess, some of the work that's being done at Princess Margaret Hospital in stem cell research. How do you work together?

**Dr Bernstein:** I should say first that I worked at Princess Margaret for 10 years and in fact got my first training there, so I'm very familiar with the people and the work they're doing. It's hard to describe to laypeople, but we know what we're all doing.

I think the critical mass of researchers in Toronto, on University Avenue in particular, is critical to the success of the enterprise. We certainly don't compete with each other, or we try not to. It's of benefit having people around you who are working in similar areas that you can collaborate with. If you look in my publications—I gather you have—there are lots of people on there from Princess Margaret, from Sick Kids, from the Toronto Hospital. That reflects, I think, the value of having other people nearby. Science is very much a multidisciplinary, multi-technique-oriented business these days. So I know what's going on and so do they.

**Mr McLean:** Welcome to the committee, sir. I'd like to pick up on some of the last questions that were asked with regard to the cancer research that you're doing. Have you done any research with regard to the food that people eat, the conflict that can be there with regard to causes of cancer?

**Dr Bernstein:** I personally have not. There certainly is some epidemiological research that has been done on that whole area, but I personally am not involved with it.

**Mr McLean:** Do you know of anybody who is doing research in that area?

**Dr Bernstein:** In the province?

**Mr McLean:** Yes.

**Dr Bernstein:** I'm trying to think offhand whether Tony Miller and his group here at the University of Toronto are or not. I can't think of a study at the moment. Sorry.

**Mr McLean:** Do you think we're short of researchers in the foundation now?

**Dr Bernstein:** Again, I don't want to duck the question. I think I need to get a better sense. I know individuals as scientists and collaborate with them or talk

to them about their work, but I don't have a sense from the foundation perspective of all the people at the various clinics who are doing research and what they're doing.

**Mr McLean:** Do you think we're really winning the battle? You know, when I look at some of the statistics and what I see, the increase in the amount of cases every year, the amount of hospitals that are being designated with cancer treatment wards, I'm just concerned. I hear more of it all the time and I'm wondering, because I have some concerns with regard to what people eat and where it's grown and what it's grown in.

**Dr Bernstein:** Yes. Do I think we're winning the battle? Well, I think we're not going to win the battle tomorrow. I think there have been some successes: childhood cancers in general, leukaemias in particular, Hodgkin's lymphoma. You know, we take it for granted now, but the actual realization that smoking causes lung cancer is a victory. We haven't eliminated lung cancer, it's still growing, but we have identified the cause, and that's entirely a preventable disease now. It's now out of the hands of the scientists into the hands of policymakers and the public and our society to do something about it, but that's a major success story, if you will.

I think our understanding of cancer, as I said, has increased tremendously over the last 10 years, and I anticipate that—I don't think we're going to have a cure tomorrow. I don't think that's what this is about. But I think we will be much better off in terms of statistics, actually being able to treat people or prevent the disease over the next 10 or 20 years. It's not going to be a short haul.

**Mr McLean:** I dare say there isn't one person who's sitting around here today who doesn't donate to the cancer society. I think we all do.

**Dr Bernstein:** That's good.

**Mr McLean:** We know the amount of people who go out there and volunteer their time. But what I would like to find out, and it's really not in your jurisdiction, is the amount of money that we're raising, the percentage that is going in to actual people such as you for research. Some people tell me it could be 10 cents out of the dollar. I mean, is there something wrong here with our method of getting the money to the foundation to be able to give it to the people to do the research that needs to be done?

**Dr Bernstein:** Are you asking whether we could put more money into cancer research?

**Mr McLean:** That's right, yes. I know earlier you said that there wasn't enough, but the point I guess I'm really making is that we're probably putting too much into administration to collect it and there's not enough going into research.

**Dr Bernstein:** Well, in terms of the cancer society, which is of course a private charity, I am familiar with the Canadian Cancer Society, and there are costs to fund-raising. You have to spend a dollar to raise some money. Their costs, as I understand it, are quite low relative to other charities and fund-raising efforts, because so many people are willing to give. I think it'd be naïve to think it'll be 0% and what the right number should be I don't



know, but I think they try to keep their costs down pretty low.

**Mr McLean:** There are people designated for looking at and doing in-depth studies into certain types of cancer. I've a niece who does research into skin cancer, and there are others who would probably do research into lung cancer and so on. Are there specific fields laid out with a team that does look into specific parts of the anatomy in terms of what they may see as—

**Dr Bernstein:** Yes, I think we're talking about spectrum. There are cancer researchers who are doing very basic cancer research and aren't interested in a particular disease but the basic scientific question of what makes a cell divide or not, to people who are interested in skin cancer or lung cancer or breast cancer and have multidisciplinary teams focus on those. In the province, you see all of that spectrum.

1430

**Mr Runciman:** I just have one or two quick questions. I certainly agree with what you've been saying with respect to the success in the past 20 years or so in terms of treatment for a variety of cancers and the improved stats in survival rates. I don't think you touched on the incidence of cancers in respect to I guess Ontario or Canada.

If you see what's happening in terms of population growth, water quality, the erosion of the ozone and all of these terrible things we keep reading and hearing about, what's your prediction for the future in terms of rates of incidence of people developing all sorts of cancers because of a deteriorating environment?

**Dr Bernstein:** I actually think the major impact on cancer incidence statistics is going to be age. Cancer is very much an age-related disease because it's the accumulation of genetic mutations, and we are an aging population because of people like me, the baby boom. So that's where in terms of absolute numbers we're going to see the major impact, that we're an aging population.

As I said to an earlier question, I think the impact of all these other environmental things is not so evident yet in statistics, although there is an increase in skin cancer, which presumably is related to increased exposure to ultraviolet light, perhaps because of the ozone layer disappearing.

**Mr Runciman:** I live along the St Lawrence River. That's my primary residence. Some of the statistics I've seen of higher incidences of a variety of different cancers for people who live in the St Lawrence River valley, if you will, the suspicion, although it's never been confirmed, I guess, the one constant along there, is of course drawing your drinking water from the St Lawrence River. Do you look at those kinds of issues as well?

**Dr Bernstein:** I'm not an epidemiologist, so no, I do not personally look at that. I think somebody should be looking at that. It's not my area of expertise.

**Mr Runciman:** Another area which doesn't touch on yours at all, but it's sort of been an interest of mine for many, many years, is the use of heroin as a painkiller for the terminally ill. I know that the federal government made changes a number of years ago to allow heroin

once again to be imported for use by medical doctors.

As I understand it, and I've just recently been contacted by constituents of mine who've had their loved ones pass away in great pain, not being able to deal with the pain with the drugs that are being utilized by the medical community, apparently heroin is legally there if a practitioner wishes to draw upon it. The medical community, by and large, is still refusing to do so and hospitals are refusing to put it in their pharmacies and so on. I wonder if you have any view or observation on that.

**Dr Bernstein:** I'm not a clinician. Going back to the question about palliative care, I think it really highlights the importance of having guidelines for cancer research and for palliative care and what those guidelines should be. I can't comment, but if heroin is an acceptable drug to be used in palliative care, then that should be discussed and then formalized as a guideline so we don't have these situations where some people have access to it and some people don't, depending on who their doctor happens to be.

**The Chair:** Thank you. Dr Bernstein, I just would like to say that it isn't very often that we have someone like you in our presence whom we are in a position to say thank you to. Based on some of the questions that were being asked, I think it's important, since we're about to launch into April, which is Cancer Month in terms of fund-raising. I'm sitting here as a mother who lost a daughter to a form of cancer which fortunately today our three brand-new granddaughters will never be at risk with.

I think that those advances have only been made because of the work and the fund-raising that goes into a month like April annually and, more importantly, into the commitment and dedication of individuals like you. We are all very blessed to be the recipients of your commitment to your particular area in your profession. I just would like to publicly thank you for what you've been able to do and thank you for being here today.

**Dr Bernstein:** Thank you for those very kind words.  
JACK DIAMOND

Review of intended appointment, selected by official opposition party: Jack Diamond, intended appointee as member, Ontario Place Corp board of directors.

**The Chair:** Welcome, Mr Diamond.

**Mr Cleary:** Welcome to the board. How many members are on the board at the present time?

**Mr Jack Diamond:** I'm not sure. When Max Beck called me, I think there was something like a dozen, 10 or 12 members of the board. I'm not sure. I have had nothing to do with them so far. I've not met with them.

**Mr Cleary:** You're not on the board at the present time?

**Mr Diamond:** No. As I understand, I had been notified that there was an order in council appointing me, but I haven't taken up because this committee would like to meet with me.

**Mr Runciman:** They're keeping a seat warm for Patti Starr.

**Mr Cleary:** Please excuse us, because sometimes



when they come before us, they already have been tuned in.

**Mr Diamond:** No. You're talking to someone of not relative but absolute ignorance.

**Mr Cleary:** Okay. Now that you've said what you did, I'll ask you another question. What do you feel your particular role will be on the board?

**Mr Diamond:** I've been on one or two boards before, and I think that obviously the role of the board members ought to be questions of long-term policy as well as seeing to it that current operations are being done effectively. Most boards, I think, need to really concentrate on those two factors. So I suspect that in this case, and I'm aware to some degree of the kind of problems and prospects that Ontario Place faces, it'll be dealing with those issues.

**Mr Cleary:** Okay. You partially answered it, but what issues do you feel will be most important to you and the other board members during the time of your appointment?

**Mr Diamond:** The little knowledge I have tells me that Exhibition Place, the Canadian National Exhibition, and Ontario Place are declining in the number of visitors that attend. Obviously, that's an issue and a problem.

I think there are a lot of reasons for that. Some of them are cyclical but some of them are more structural, and I think the problem Ontario Place has always had to deal with is its location. While it's attractive because it's on the water, and it's a dramatic piece of architecture and so forth, I think there's a real problem about accessibility.

Part of it is that I don't think it's very clear how you get there. Certainly there's no good public transportation to it, so you have to go by automobile, and you have a vast parking lot to accommodate that. Not everybody has an automobile and, in any event, even if you have an automobile, I'm not sure it's very clear how you get there. Its relationship to Exhibition Place, I think, is an ambiguous one. Is it part of Exhibition Place? Is it a separate thing? I think that's very unclear.

To answer your question, I think the perceptions about it are not clear enough. I think people don't understand how to get to it easily and I think the real problem is public transportation. It's an island, it's cut off, and that's a problem that I think needs to be addressed.

I have some ideas about how to do that. I don't know whether they're feasible yet because I've not discussed them with the board and I don't know enough about the operation. But standing from the outside, and when I was appointed to this, or when I heard that the order in council had been made, I sort of cast around to people I know and said: "Tell me what you think about Ontario Place. How would you go there?"

My secretary said: "I wouldn't go there because I don't know how to get there, and when I get there I've got to take my child around in a stroller and there's nothing for my child to do. And where do you sit down? There are no distractions." There are a whole bunch of issues which, from the common person's point of view, the person in the street, I think are some real obstacles to overcome.

**Mr Cleary:** My next question you've partially answered, I guess: declining visitors. What would your views be on how you could attract more visitors?

**Mr Diamond:** Out of interest, I have another project in which I've become engaged, in the question of exhibition and public building design. The ways in which projects such as the Science Centre, although it has its problems too, or the Exploratorium in San Francisco and other places of this kind succeed is when there's participation, when you get engaged in the exhibition. The mandate, as I understand it, of Ontario Place is to be a showcase for Ontario, and not only in general, but I think the mission statement says specifically something about being a showcase for Ontario artists as well as being a showcase in general.

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My sense is that after people have visited Ontario Place they ought to come out with a sense of greater pride and interest in the province. I'm not sure that's being achieved, so that's another issue.

But there are wonderful modern techniques in which people become engaged in the process, whatever it is, whether it's a mechanism you trigger, whether, as you do in the Science Centre, the kids stand and their hair gets pulled by magnets or whatever it is—the appropriate device to become engaged so that you participate. I think there are good techniques to be used to make it an exciting, interesting place.

**Mr Cleary:** Do you feel there's any opportunity for the private sector to get involved under your mandate?

**Mr Diamond:** That's an interesting question. I think the mandate's a pretty good mandate the way it stands. It's a public building. If one had one's druthers, one would make it free. Obviously, it has to pay its way, and therefore some means of leveraging money out of the public to keep it going is the right thing to do, I suppose. But I'm not sure that it ought to be a place where the private sector can make money for itself. There's a time and place for the private sector to make money, but there's also a public mandate here of a public institution, so I'm not sure that the priority ought to be to make money. I think the priority ought to be to improve the image, perception and engagement and pride about Ontario.

**Mr Cleary:** Thank you and good luck.

**Mrs Sullivan:** I know the board of Ontario Place will welcome the kind of dynamism you bring to so many other projects and the thoughtful approach that you have to "people" use of places, which I think is very important.

**Mr Diamond:** Thank you.

**Mrs Sullivan:** As a matter of curiosity, I have to know what you think about the destruction of the Forum.

**Mr Diamond:** I think it's a really unfortunate process, first of all, and it's part of this problem of having to try and make a lot of money. Obviously, if you wanted to run hard rock concerts every night, you'd make a ton of money and you'd fill the place. That's not the objective of the exercise. To start with, I think there are many good things about the design which have been compromised by



this project, but I think the process was the problem. I think it created a lot of resentment, and my sense would be, as in many projects, people are annoyed when they're presented with a fait accompli. I don't have to tell people in this room—politicians have to deal with constituents all the time—that you have to take people into account and you have to consult with them.

I would have thought that process would have been less rancorous had it been one that took the public into its confidence and discussed the issues with it. Perhaps the outcome might have been different but better. So I'm not wild about the way in which it was done, nor the results.

**Mrs Sullivan:** So you're unhappy with the results as well.

**Mr Diamond:** To be also perfectly honest about it, I haven't really looked at the final result. Perhaps it was inevitable, and I reserve judgement on that. But from what I gather, it's not as sympathetic and sensitive as it might have been.

**Mr McLean:** Welcome to the committee, sir. Do you think if there's more freedom there with regard to the board of directors, to allow a more commercial strategy, a better marketing strategy put in place, it would help pay its way?

**Mr Diamond:** I see two parts to your question. One is a marketing strategy, which I take in the largest sense, not necessarily one to make money but how to improve custom, so to speak, visitors. The other one is the question of whether there ought to be more commercial avenues.

In terms of the second one, I read the annual report and I did see from the annual report that a good chunk of money is spent on advertising. So I don't know whether it's simply a question of more money or better directed money, but I know that I'm not terribly aware—and I think I read as many papers as most people—of what's going on. So I suspect that one of the things I'll be interested in doing is really looking at how the activities and interest of that place are conveyed to the public. That's an important question that I'd like the answer to as much as you.

In so far as the commercial aspects are concerned, I partly gave that answer to Barbara Sullivan, I think, or was it to Mr Cleary? I don't think the mandate here is to make money. I think the question of simply providing a public avenue for private sectors to make a lot of money is not right. If the private sector could help make it a more attractive place, I think it should be considered, but only if it's seen as a better vehicle or a better means.

If you take Canada's Wonderland and places which are purely commercial, they do their job, and there's a place for that. This is not that place. I see this clearly as being a place to imbue a sense of pride and interest in Ontario. If commercialism can do it, that's fine, but I think that should be a last resort.

**Mr McLean:** Do you not, though, believe there's a place to balance the books?

**Mr Diamond:** Of course there needs to be a responsible fiscal attitude. Obviously, that has to be, and if it does not pay for it, it won't exist, and I want it to exist.

But I think one, in the interests of balancing the books, can foul the mandate, and I think that would be wrong. I'd be extreme and go so far as to say that if you can't really fulfil the mission, then it shouldn't exist.

**Mr McLean:** Will you be looking at the mandate with regard to the way revenues are now brought in?

**Mr Diamond:** Obviously. One has to look at the revenue question, there's no doubt about that; the revenue question has to be reviewed. But I don't see this as a vehicle for the private sector making money.

**Mr Runciman:** Maybe I'm too cynical, but the many times I visited Ontario Place in the years before I became a member of the Legislature, I've never walked away from the place with a renewed sense of pride and interest in Ontario. I'm not sure how you're going to achieve that; as I said, perhaps I'm a little too cynical. But obviously you're enthused about the task ahead, and it's good to see that.

We're talking about the private sector. You've had a couple of questions, but another approach perhaps worthy of consideration is the idea of a management contract through the private sector whereby the government puts the place up for tenders. I think we've seen this in some instances in other areas. The casino in Windsor is an example, I guess, where you have a variety of major casino operations bidding to operate the casino. Then the government sets down the guidelines as to how this place will operate and then, in the instance of the casino, reaps the financial rewards.

I'm just wondering if that's not the sort of thing that could be looked at in terms of Ontario Place, where you have people come in who do this as a full-time occupation. They know how to run these kinds of places, the bottom line, and attract crowds, but at the same time achieve the kinds of goals you're talking about in perhaps a much more effective way, rather than having a variety, in many instances, of amateurs, and this is no implication with respect to your abilities or your interest. But this is a board that changes bodies on a fairly regular basis. People come in with expertise in their own particular areas. But if you look at a private sector management contract, these are people whose sole business, if you will, is this kind of industry. I would hope that's the sort of thing you wouldn't rule out taking a look at when you become a member of the board.

**Mr Diamond:** I certainly wouldn't rule it out. While you were mentioning something of that kind, recently—well, not that recently, but I would guess in the last year—I saw this whole issue, not in Canada but in the United States, about how to deal with the school problem they have, the education problem. There's a company in the United States that said, "Our business is how to make these things work" and so forth, and they were taken on. A private sector business was taken on to run local schools because they were supposed to be efficient. I'm sceptical about whether they got any better educational results. They may have in fact cut down the salaries and made some mechanical and management options.

I suspect this is an option which ought to be looked at. But if it were me, and I would be one tiny voice, and a new boy on the block at that, on the board, I would



approach it with a lot of scepticism. Because once you state your mission, if you state your mission with sufficient clarity about a public interest mission, the private sector in its negotiation, I suspect—and this is pure speculation—would want to modify that in order to make a buck. If that could be done and have the mandate on it, then obviously, why not? But there are always these problems about how the private sector would run its staff and how the mandate of the board would conflict with that.

1450

**Mr Runciman:** The other view is that we can't, in my view, continue to subsidize this kind of operation at significant cost to the taxpayers. That's the voice of the regions, if you will, that look upon Toronto with a degree of resentment. In my part of eastern Ontario we've seen the St Lawrence Parks Commission closing down parks and limiting the access of the public in that area to those resources simply because of budgetary restraints. But at the same time we see the government with its largess for a facility in Metropolitan Toronto, which is not achieving its goal, as you admit. So those kinds of questions have to be addressed, and I think there's an end to the patience of Ontario taxpayers in respect to these kinds of questions as well.

**Mr Diamond:** If I might respond to your comment on that, my suspicion is that if it was really doing a superb job and it was really fascinating and interesting Ontarians and it gave them a pride about the province, and that when visitors came to this province they said, "I want to take you somewhere" to show off their place, it wouldn't be called a subsidy, even if it was costing a lot.

**Mr Runciman:** Well, rots o' ruck.

**Mr Marchese:** Mr Diamond, you mention that it's not the mandate for Ontario Place to make money, but I suspect many would argue that it's not its mandate to lose money, necessarily, which is the opposite argument. On the other hand, other people will argue that if it's a public institution it's there to serve the people, and in this regard, if it loses some money, that's part of it.

**Mr Diamond:** It's the cost of, not doing business, but the cost of doing public business.

**Mr Marchese:** That's right. I suppose you would want to go on this board as a way of promoting that, but surely as a way of suggesting some ideas that would bring more dollars to Ontario Place so it can continue to develop and invest in other areas.

**Mr Diamond:** What's happened, as I've begun to find out, is that a little while back the whole admissions policy, the question of charging entry, was abandoned—

**Mr Marchese:** Yes, in 1991.

**Mr Diamond:** —in order to make it accessible and then on a kind of user-fee basis for the components. That seems to be succeeding, and that's a device which has already been put in place. I suspect that has its problems too, because you then exclude people from some of the things you want them to go to if the prices are too high. So there's a whole pricing question here of how you make it accessible, and accessibility is the key to the people of Ontario.

But I quite agree with you, it's not a mandate to lose money and I'm not about to try. As I've said already, if it can't pay its way or at least have subsidies which are sustainable or support which is sustainable, call it what you want, it then will fail altogether. So clearly it must be made to work—clearly. One way or the other: Either it's so popular that people don't mind paying the shot, or it's not popular enough and you generate moneys to make up. It's somewhere in that balance.

**Mr Marchese:** Yes, I agree. There's a fine balance here with this kind of institution, of course. Places like Wonderland don't have to worry about restrictions imposed by the government. They simply say: "We're going to do this. It'll cost a couple of million dollars, \$10 million or \$5 million or \$20 million," and they will raise it because it will be an attraction that will bring more people. Part of what Ontario Place has as a problem is that it's difficult to plan in the long term because they really don't know, in an age of declining resources, whether they're going to get the support from government. So it's a fine balance. How does one like you approach a problem like that?

**Mr Diamond:** If indeed the problem is a question of long-term strategic planning, or the lack of that, that's got to be pointed out. If that's exactly the problem they're confronting, that they're doing it on a hand-to-mouth basis and therefore cannot indulge in long-term strategic plans which would mean their ultimate success, that should be pointed out to the province. It's precisely what should be identified.

**Mr Marchese:** I think it's probably being raised with the province—

**Mr Diamond:** I hope so.

**Mr Marchese:** —possibly on a regular basis. I'm not sure how we're sorting that out, but I agree with you.

**Mr Frankford:** When you spoke with Mr Beck about being on the board, did you raise any concerns about the process with the Forum?

**Mr Diamond:** No, I didn't. We didn't talk about that.

**Mr Frankford:** I was interested in your comments about transportation as a critical factor. It seems to me that right now we have two alternatives, neither of which are really economically viable. There's the private car or there's conventional public transportation. It seems to me there is a middle route which we should be exploring, not just here, which I would call jitneys or minivans or fixed-route taxis.

**Mr Diamond:** I agree. That's certainly a thought I had. It was interesting that when the Queen's Quay terminal was first built, that had the same problems, although not as severe, of how you get people down to the shops. They ran a very clearly identified jitney from downtown to Queen's Quay to see to it that people got down there. I suspect that if the private sector sees the necessity to do that, there's no reason the public sector shouldn't either. I agree with you.

**Mr Frankford:** And of course in your country of birth, I believe these are commonplace, as in many southern areas. It's the mode of transportation, isn't it?

**Mr Diamond:** It is, with all of its problems, yes.



**Mr Waters:** As a person who has looked at Ontario Place for the last four or five years, I remember my first visit officially after being elected and being part of the ministry, going down and seeing what I thought was a very tired-appearing attraction that needed a face-lift. There weren't the public dollars, necessarily, to do what we wanted to do, and right or wrong we went with the Forum and some of those things to try to do exactly that. When the ceilings were falling in and pods were closed, this place needed something, and needed it immediately.

I agree that one of the biggest things is that it's an island out there. I don't think the CNE grounds are used anywhere near the maximum they could be. The old football field or stadium there doesn't seem to be used much at all. The common, which I think is what it's called, in between, is slated for redevelopment. When it all comes together, if we can keep Ontario Place going, maybe it will eventually fit the mandate it was intended to have.

The problem is, over the next five to 10 years, how do you bring people back? How do you use it as something to sell things? The Cinesphere was probably the first permanent—

**Mr Diamond:** The Imax theatre, yes.

**Mr Waters:** The Imax. Do we want to sell Imax or bungee jumping as being an integral part of Ontario life or showing off the province?

**Mr Diamond:** I don't know how much you're aware of the Waterfront Regeneration Trust's long-range plans for Exhibition Place. My suspicion is that Ontario Place may very well ride on the coattails of a significant regeneration of the whole of Exhibition Place. I think Exhibition Place needs more of a rejuvenation than Ontario Place. I think the two do have a symbiotic relationship. As I pointed out, it seems to me it's an ambivalent one and it's unclear in the public's mind about what you go to, where, and when.

But the general increase in custom and transportation to Exhibition Place will inevitably benefit Ontario Place. There are explicit plans for public transit, the extension of the LRT and so forth, and a potential GO station stop on the branch line to Orangeville outside of Exhibition Place—I don't know if you're aware; these are some long-range plans—as well as the question of developing Exhibition Place for movie-making and a bunch of other things, as well as a trade centre and so forth.

I don't know how far those very ambitious plans have got, but I know that David Crombie is fairly well engaged in that process of rejuvenating what is called Garrison Common, and this is part and parcel of that.

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I think that the plans Ontario Place ought to have to improve itself should follow two tracks. One is an internal one regardless of its context, simply the improvements that are talked about here on the management side that Bob Runciman raised or on the question of attractiveness in terms of the kinds of offerings it makes that have been raised; but the other one is obviously to coordinate its long-term strength and development as a part of Garrison Common. Those are long-range planning, though.

**Mr Waters:** Have I still got time?

**The Vice-Chair:** You have a minute and a half.

**Mr Waters:** Then very quickly, I guess we all recognize that transportation is the problem, getting the numbers of people out to Ontario Place. How do we do that in the short term while all of these long-term plans are—

**Mr Diamond:** Bob Frankford mentioned one. But I ought to tell you too that in my experience, if something is sufficiently attractive, people will overcome the most extraordinary difficulties to get there. It's for those that are not that attractive and are in competition with others that you have to indeed make it that convenient.

So again it's this two-track thrust. One is to internally make it attractive enough so people really want to go there, that there's a buzz about it, that kids want to go there, that adults want to go there and so forth because there's something really that compels them to go there. The other one is obviously a larger strategic long-range plan of making it more accessible.

**Mr Waters:** Thank you very much. I wish you well.

**The Vice-Chair:** Thank you very much for appearing before the committee today.

**Mr Marchese:** I move concurrence, Mr Chair, on all the appointments.

**The Vice-Chair:** You move all the appointments?

**Mr Marchese:** Correct.

**Mr Runciman:** On a point of order.

**The Vice-Chair:** A point of order, Mr Runciman.

**Mr Marchese:** Okay, move all the rest except the one that he's about to name and then we can move to that.

**Mr Runciman:** I make it clear which one I would like to see a division on, Mr Chairman: a recorded vote on the appointment to the Employment Equity Tribunal of Mary Anne McKellar.

**Mr Marchese:** She was good.

**The Vice-Chair:** Okay. Are there any others who want a separate vote on any others? If not, we'll have a motion to accept all the others.

**Mr Marchese:** So moved, Mr Chair.

**The Vice-Chair:** All in favour of that motion? Opposed, if any? Carried.

We will now vote on number one, Mary Anne McKellar.

**Mr Marchese:** The very fine, capable lawyer who came before us this morning.

**The Vice-Chair:** We wanted a recorded vote on that. Is there any discussion on the motion?

**Mr Runciman:** I simply want to indicate that we're going to be opposing the appointment, not because of any real concerns about Ms McKellar. I'm sure she's a capable individual and will serve with the tribunal well. Our concern essentially is with the act itself. We do not support the act. We feel that it's an unfortunate piece of legislation which is doing and will continue to do significant damage to the business community in this province. As a result, we cannot support any appointment regardless of the qualities of the intended appointee.



We support the view of the Canadian Manufacturers' Association, the Canadian Federation of Independent Business, a whole range of employment lawyers and many economists in the labour market who find that the use of racial and gender classifications to determine eligibility is inherently racist and sexist. The researcher in his comments mentions that there's a view that it will generate a backlash, and I want to say as an elected official I'm already hearing that backlash as I go door to door.

We saw articles in the media and we're seeing increasing numbers of articles in the media about growing concern about the implications of this legislation and what it means to white males in this province and what in fact it is doing to limit the job opportunities of, as the researcher has indicated, contemporary and future white male job applicants because of discriminatory hiring practices.

**Ms Harrington:** Madam Chair, on a point of order: I believe this is out of order.

**The Chair:** What is your point of order?

**Ms Harrington:** I believe that comments of a political speech nature at this point in our agenda are out of order.

**Mr Runciman:** This is a political forum.

**The Chair:** They're not out of order, because there is a motion on the floor and members may speak to that motion. I understand this is what the member is doing.

**Ms Harrington:** I'm appealing to your judgement, Madam Chair.

**The Chair:** Well, I'm not going to control debate on any side of this table. If the debate is in order and a motion is on the floor, which is the case at this point, I'm not going to—

**Mr Marchese:** Madam Chair, can we ask the clerk whether that is the—

**The Chair:** Just a moment, Mr Marchese, I'm addressing Ms Harrington's point of order and I am saying that it isn't a point of order in the way that you're asking.

**Ms Harrington:** So I may go ahead and debate the whole question of employment equity with Mr Runciman?

**Mr Runciman:** Only if you want to.

**Mr Marchese:** With respect to the clerk, Madam Chair, he's debating the Employment Equity Act and whether that's good or bad as opposed to the appointment, and he's not opposing the appointment of this person but rather he's debating the bill and the correctness or incorrectness—

**Ms Harrington:** Our motion refers to the appointment—

**Mr Runciman:** Madam Chair, I'm outlining my reasons for not supporting this appointee. It's as simple as that and I'm not going to take too long. If Ms Harrington has an appointment I can assure she'll be able to meet it.

**Mr Marchese:** But, Madam Chair, could I have it coming from the clerk?

**The Chair:** Excuse me just a second. I'm ruling that Ms Harrington doesn't have a point of order. Are you now, Mr Marchese, raising a second point of order?

**Mr Marchese:** I did. Through the question that I'm raising is the point of order; yes. He was debating the bill versus debating whether we should be appointing this person or not and the merits of this person's—

**The Chair:** I'm sorry, that is not a point of order.

**Mr McLean:** I agree with the Chair.

**The Chair:** Mr Runciman has the floor.

**Mr Runciman:** I'll try to be brief. I know the NDP members have really busy schedules and don't want to listen to my views in respect of why we're opposing this particular appointee.

We cannot support any appointments to the tribunal, based on the tribunal's impact on business in this province, based on its impact on white male job applicants, the discriminatory nature of the act and also the fact that in our view the numerical goals prescribed by the act are indeed quotas. They're mandatory for employers and they're going to be monitored and enforced—I think that's a very critical factor—by the government of the day and their henchmen and ladies.

Again, I don't want this to be any reflection on the candidate who appeared before us, Ms McKellar. As I said, I'm sure she is a fine individual, but we simply cannot support any appointees to this tribunal and, in fact, as a party we're committed to effectively reviewing this act and removing the offensive elements of the act and certainly doing away with quotas.

**Mr Marchese:** For the record, Madam Chair, to make the opposing argument:

"The act is needed to ensure fairness to job applicants belonging to the four designated groups.... The act and the regulations set out a process which will enable employers to achieve employment equity.

"Under the act, employers are not required to hire job applicants or promote employees simply because they belong to one of the four groups. All applicants and employees must be qualified for the positions they seek." Mr Runciman knows that but he chooses to say differently. "If job applicants and employees seeking promotions who belong to the designated groups are not qualified for the positions they seek, employers continue to be free not to hire or promote them and instead hire or promote white males who are qualified for the available positions.

"The act does not impose hiring quotas on employers," as Mr Runciman and many others in the past have said. "Quotas are fixed, numerical goals imposed on employers by an external authority. Instead, the act requires employers to consult their employees in order to devise practical numerical goals which reflect the nature of the workplace and the availability of skilled personnel belonging to the designated groups.

"Employment equity is good business. It enables employers to draw on the full range of talents and skills available in the labour force. Also—"

**Mr Runciman:** A point of personal privilege, Madam Chair: I simply want to point out that Mr Marchese on at



least two occasions has impugned motive. He suggested that I have misled this committee and the public viewing this by saying things that I didn't believe. I did not, on one occasion, make any reference to an individual NDP member in anything they said, and he has very clearly suggested that I said something I knew was not true. I believe everything I said, I support everything I said, and I would ask Mr Marchese to withdraw that remark.

**Mr Marchese:** I'm not sure what I said that I need to withdraw.

**Mr Runciman:** Mr Marchese, you indicated clearly that there were facts that I knew of and declined to comment on and, in fact, said quite the opposite.

**Mr Marchese:** I don't know what Mr—I didn't say that, Madam Chair. May I continue?

**The Chair:** I'm not clear—

**Mr Runciman:** He made reference to me in two separate comments.

**Mr Marchese:** I didn't say what he's suggesting, so there's nothing to withdraw.

**The Chair:** I think it would be simpler, Mr Marchese, if you would like to say, "I withdraw any offending comments," and then you may continue. It would probably—

**Mr Marchese:** I withdraw any comment that he thinks has offended him.

**The Chair:** Or impugned his motives.

**Mr Marchese:** I don't think I said—

**Mr Runciman:** You're frequently wrong in terms of your interpretation. That's been proven by Hansard yesterday in the comments you made in respect to Mr McLean. You have a very short memory.

**Mr Marchese:** Madam Chair, again—

**The Chair:** Mr Marchese has the floor.

**Mr Runciman:** I'll accept your apology.

**Mr Marchese:** "Employment equity is good business. It enables employers to draw on the full range of talents and skills available in the labour force. Also, firms whose workforces mirror the ethnic and gender characteristics of the general population will be more sensitive to the needs of their customers, and better positioned to devise strategies designed to attract new business."

Finally, "The act does not impose unreasonable requirements on employers. For example, the achievement of employment equity is to be phased in over an extended period; the act does not apply to very small businesses in the private sector, who may not be able to afford to comply with the legislation; the act respects existing seniority clauses in collective agreements; and the numerical hiring targets employers must meet are to be devised by the employers themselves."

I think the arguments I have put forward speak to the soundness of employment equity. I think it's good for

everybody in society, including white males.

**The Chair:** Thank you, Mr Marchese. Ms Harrington and then Mr Cleary.

**Ms Harrington:** Mr Runciman has said why he would not be supporting this appointment. I would like to say that I will be supporting this appointment, because we—I believe I speak for several people on this side of the table besides myself—believe very strongly in employment equity, that it is long overdue in this province, that it is a big step forward for many, many people across this province and that it will in fact help business across this province and we're very proud of it. That's why I'm supporting this appointment.

**Mr Cleary:** I have some difficulties with some of the legislation too, but I just wanted to get your ruling on this. Are we voting on the legislation or are we voting on the appointment?

**The Chair:** The motion is to approve the appointment of Ms Mary Anne McKellar as a member and vice-chair of the Employment Equity Tribunal, which was established by the legislation.

**Mr Runciman:** Which the Liberals support.

**Mr Cleary:** So we're voting on the appointment.

**The Chair:** I've just read what the motion is.

**Mr Runciman:** The Liberals support quotas. That's—

**The Chair:** If there is no further discussion, then we will move the motion as I have just read. Is this recorded? A recorded vote. All in favour of the appointment of Ms Mary Anne McKellar?

**Ayes**

Carter, Cleary, Frankford, Harrington, Malkowski, Waters.

**The Chair:** Opposed?

**Nays**

Runciman.

**Mr Runciman:** Let the record note the Liberals supported the NDP in the enforcement of quotas.

**The Chair:** That motion is carried.

#### SUBCOMMITTEE REPORT

**The Chair:** We have one final piece of business, and that is the approval of the report of the subcommittee, which I believe you've all received a copy of, which met at noon to make the selections for the month of April. Would someone like to move the report of the subcommittee?

**Mr Waters:** So moved.

**The Chair:** Thank you. Any discussion? All in favour of the subcommittee report? That motion is carried.

Is there any further business? All right, then I thank the members for their attendance today and the committee is adjourned.

*The committee adjourned at 1514.*















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## STANDING COMMITTEE ON GOVERNMENT AGENCIES

- \***Chair / Présidente:** Marland, Margaret (Mississauga South/-Sud PC)
- \***Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
- \*Carter, Jenny (Peterborough ND)
- \*Cleary, John C. (Cornwall L)
  - Crozier, Bruce (Essex South/-Sud L)
- \*Curling, Alvin (Scarborough North/-Nord L)
- \*Frankford, Robert (Scarborough East/-Est ND)
  - Gigantes, Evelyn, (Ottawa Centre ND)
- \*Harrington, Margaret H. (Niagara Falls ND)
- \*Malkowski, Gary (York East/-Est ND)
- \*Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
  - Witmer, Elizabeth (Waterloo North/-Nord PC)

*\*In attendance / présents*

### **Substitutions present / Membres remplaçants présents:**

Marchese, Rosario (Fort York ND) for Ms Gigantes  
Runciman, Robert W. (Leeds-Grenville PC) for Mrs Witmer  
Sullivan, Barbara (Halton Centre L) for Mr Crozier

**Clerk / Greffière:** Mellor, Lynn

**Staff / Personnel:** Pond, David, research officer, Legislative Research Service



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